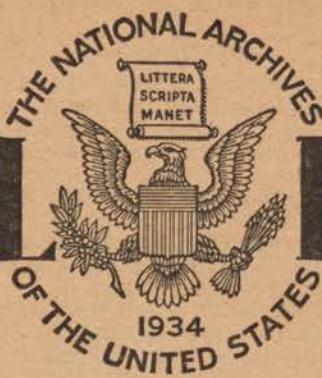


FEDERAL REGISTER



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Regulations

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary

PART 2—RATIONING OF FARM MACHINERY AND EQUIPMENT

[Temporary Rationing Order A]

NEW FARM MACHINERY AND EQUIPMENT

Pursuant to the authority vested in the Secretary of Agriculture by Administrative Order No. 28 of the Office of Price Administration issued September 15, 1942, it is hereby ordered, That:

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AUTHORITY: §§ 2.1 to 2.37, inclusive, issued under Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and Pub. Law 507, 77th Cong., Pub. Law 421, 77th Cong., War Production Board Directive 1, Supplemental Directive 1-K, 7 F.R. 562, 7280, Office

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of Price Administration Administrative Order 28, *infra*.

DEFINITIONS

§ 2.1 *Definitions*. When used in Temporary Rationing Order No. A:

(a) "County rationing committee" means the committee established pursuant to § 2.4.

(b) "State board" means the State U.S.D.A. War Board.

(c) "Special War Board Assistant" means the Special War Board Assistant to the Secretary of Agriculture.

(d) "Application" means the application for a purchase certificate for new farm machinery and equipment in Group A.

(e) "Purchase certificate" means the certificate authorizing the purchase of new farm machinery and equipment in Group A.

(f) "Certification" means the statement signed by a farmer when purchasing new farm machinery and equipment listed in Group B.

(g) "Applicant" means a person who has filed an application with the county rationing committee.

(h) "Dealer" means any person engaged in the business of selling new farm machinery and equipment, as principal or agent.

(i) "Type of equipment" means the general class of equipment, such as tractors, combines, grain drills, etc.

(j) "Group A" shall include the following new farm machinery and equipment; combines, corn pickers, shredders, grain elevators, feed grinders, hay balers, pickup balers, tractors (including garden tractors), disc harrows, grain drills, manure spreaders, fertilizer spreaders, lime spreaders, milking machines, milk coolers, potato diggers, beet lifters, and beet loaders.

(k) "Group B" shall include all new farm machinery and equipment which is listed in Schedule I attached hereto and made a part hereof.

(l) "Person" means any individual, partnership, corporation, association, or other organized group of persons and includes the United States or any agency thereof, and a State or any political subdivision or agency thereof.

(m) "Farmer" means any person engaged in farming operations, including, but not limited to, a landlord, tenant, or sharecropper.

(n) "Transfer" means sell, lease, trade, lend, give, deliver, ship, or physically transfer in any other way; it also includes the change of the designation of the registered owner, but does not include delivery to a carrier for shipment, or delivery by a carrier to a consignee. Use by a dealer of new farm machinery and equipment in his own farming operations shall be deemed a transfer.

(o) "Farm machinery and equipment" means agricultural machinery, mechanical equipment and implements used for the production or care of crops, livestock, livestock products, or other produce on a farm (or elsewhere in the case of poultry), including all attachments used in conjunction with farm machinery and equipment, irrigation and drainage equipment (excluding tile), horse shoes, horseshoe nails, harness hardware, and

water well casing; but excluding repair parts and also excluding all the following: automobiles, trucks, track-laying type tractors, equipment ordered by the United States Department of Agriculture, or other United States Government agencies, buildings and repairs thereto, fencing, poultry nettings and wire, wire fencing, bale ties or straps, oilwell casing and water pipe, nails (other than horseshoe nails), and sundry hardware.

(p) "New farm machinery and equipment" means farm machinery and equipment as defined in paragraph (o) hereof, not transferred for use.

ADMINISTRATION AND PERSONNEL

§ 2.2 *Personnel*. The farm machinery and equipment rationing program established in these regulations will be administered by the county rationing committees, the State boards, the Special War Board Assistant, and the Secretary of Agriculture.

§ 2.3 *Duties*. The county rationing committees, the State boards, and the Special War Board Assistant shall have the duties and responsibilities prescribed in these regulations and such further duties and responsibilities as the Secretary of Agriculture may assign.

COUNTY RATIONING COMMITTEES

§ 2.4 *Appointment and qualifications*. The county rationing committee shall consist of three regular members and two alternate members. One of the regular members shall be the chairman of the county agricultural conservation committee, who shall be chairman of the county rationing committee. The other two regular members and the two alternate members of the county rationing committee, who shall be farmers resident in the county, shall be appointed by the county U.S.D.A. war board, and none of such members shall be members of the county agricultural conservation committee. None of the members of the county rationing committee shall be dealers. If the chairman of the county agricultural conservation committee is a dealer, the county U.S.D.A. war board shall select, as a member and chairman of the county rationing committee, a regular or alternate member of the county agricultural conservation committee who is not a dealer.

§ 2.5 *Functioning of alternate members*. An alternate member of the county rationing committee shall serve in case of illness or other indisposition of a regular member. No member of a county rationing committee shall take part in any committee action on the application of himself, any member of his immediate family, or other near relative, or his landlord, tenant, or business associate. An alternate member of the committee, not so disqualified, shall serve in such cases only if the disinterested members of the committee do not agree on the action to be taken on the application.

EXEMPTIONS AND RESTRICTIONS

§ 2.6 *Exemptions*. The new farm machinery or equipment listed in Schedule II attached hereto and made a part hereof is exempt from the provisions of these regulations and the transfer of

such new farm machinery and equipment is not restricted herein.

§ 2.7 Restriction of transfers. Regardless of the terms of any contract of sale or purchase, or other commitment, whenever made, no person shall transfer or accept a transfer of any new farm machinery and equipment, except as provided in these regulations.

(a) The word "transfer" is broadly defined by these regulations. For example, the term includes not only transfer by sale, lease, or trade of new farm machinery and equipment, but also by gift from one person to another. Placing new farm machinery and equipment in a garage or warehouse or letting a repairman take such farm machinery and equipment to his shop is not a transfer within the meaning of these regulations.

(b) There are certain specific exemptions from the broad definition of transfer: a delivery to a railroad or other carrier for shipment and delivery by such carrier to a consignee are not included. In this situation the transfer takes place between the consignor and the consignee.

(c) The term "transfer" does not include a technical transfer of title for security purposes without an accompanying transfer of use. Thus conditional sale contracts, bailments, leases, or chattel mortgages, for security purposes and without a transfer of use do not involve transfers.

§ 2.8 Persons who have ordered new farm machinery and equipment prior to the effective date of these regulations. Any person who has ordered new farm machinery and equipment included in Group A, prior to the effective date of this Temporary Rationing Order No. A, shall be entitled to receive a purchase certificate covering such machinery and equipment (without complying with the requirements of §§ 2.12 and 2.13), provided that such person submits to the county rationing committee evidence sufficient to satisfy the committee that such person ordered such new farm machinery and equipment prior to the effective date of this Temporary Rationing Order No. A. Any person who has ordered new farm machinery and equipment included in Group B, prior to the effective date of this Temporary Rationing Order No. A, may receive such machinery and equipment upon making the certification required by § 2.11 hereof. No transfer of new farm machinery and equipment made pursuant to this § 2.8 shall be valid unless delivery thereof is made to the purchaser before November 1, 1942.

PERSONS AUTHORIZED BY THE WAR PRODUCTION BOARD TO ACQUIRE NEW FARM MACHINERY AND EQUIPMENT

§ 2.9 Military forces and certain Government agencies; exports. The following persons are eligible to acquire new farm machinery and equipment without certification or purchase certificates:

(a) The Army, Navy, or Marine Corps of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey,

the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, or the Office of Scientific Research and Developments.

(b) Any person who acquires new farm machinery and equipment for export to and consumption or use in any foreign country.

(c) The Department of Agriculture or any other Federal agency.

TRANSFERS WITHOUT CERTIFICATION OF PURCHASE CERTIFICATES

§ 2.10 Persons eligible to acquire only for purposes of resale. The following persons are eligible to acquire new farm machinery and equipment by transfer without certification or purchase certificates only for purposes of resale: dealers, distributors, or manufacturers, or their legal successors in interest (including but not limited to heirs, devisees, successors, assigns, trustees in bankruptcy, receivers, persons distrainting, levying by execution, attachment, or similar forms of judicial process, or persons repossessing or taking by default).

PERSONS ELIGIBLE TO ACQUIRE NEW FARM MACHINERY AND EQUIPMENT BY TRANSFERS OF NEW FARM MACHINERY AND EQUIPMENT IN GROUP B

§ 2.11 Acquisition of Group B new farm machinery and equipment. Any farmer may acquire new farm machinery and equipment in Group B by certifying with the person from whom he purchases such new farm machinery and equipment that it is necessary to use such farm machinery and equipment during the remainder of the calendar year 1942. Such certification shall be in the form listed in Schedule III attached hereto, which form shall be filed with and retained by the dealer. No transfer on such a certification shall be valid if delivery is not made to the purchaser before November 1, 1942.

PERSONS ELIGIBLE TO ACQUIRE NEW FARM MACHINERY AND EQUIPMENT IN GROUP A

§ 2.12 Proof of necessity. (a) Only a farmer may obtain a purchase certificate for new farm machinery and equipment in Group A and only if he can establish all of the following facts:

(1) That the applicant's farm machinery and equipment, at the date of his application, are not adequate to handle his production, including increased or new production planned and needed as a contribution to the current agricultural need.

(2) That the applicant cannot meet his farm machinery and equipment needs by repairing his old machinery and equipment, by purchasing or renting used machinery and equipment, by custom work, by exchange of work or machinery and equipment, or by any other means;

(3) That the failure to approve the application would result in a substantial reduction in the production of crops or commodities essential in the war effort; and

(4) That the applicant, in his own farming operations, has such a need for the new farm machinery and equipment as to justify his acquisition of it and that

it will be so used as to perform more than the average service for similar machinery and equipment in the community.

(b) The county rationing committee shall not issue a certificate under this section if one or more of the following conditions exist:

(1) The applicant is able to have repaired and made serviceable the machinery and equipment which he proposes to replace;

(2) The applicant refuses to turn in the machinery and equipment which he proposes to replace;

(3) The applicant has not named in his application a dealer from whom he can purchase the new farm machinery and equipment;

(4) The applicant wants to change from horsepower or mule-power to motor power and has not given a satisfactory reason for the change;

(5) The applicant wants to change from hand labor to machinery and has not given a satisfactory reason for the change; or

(6) The applicant refuses to agree to rent or let others use said new machinery and equipment on such terms and conditions as the county rationing committee may deem necessary to effect the purposes of these regulations.

APPLICATIONS BY PERSONS FOR NEW FARM MACHINERY AND EQUIPMENT IN GROUP A

§ 2.13 Applications for certificates to purchase new farm machinery and equipment in Group A. Any farmer who believes that he is entitled under these regulations to new farm machinery and equipment in Group A may file with the county rationing committee an application for a certificate to purchase such new farm machinery and equipment. Such application shall be filed on Form MR-1.

§ 2.14 Preparation of application—
(a) **Forms.** Copies of Form MR-1 may be obtained from the county rationing committee or from any dealer who has acquired a supply from such committee.

(b) **Contents—**(1) **Name of applicant.** (i) An individual shall state in full his given name, middle name if any and surname. In all cases where an individual is doing business under a trade name, he shall state, in addition to his name, the trade name under which he is doing business; for example, John James Doe, doing business as the Doe Dairy Company. (ii) A partnership shall state the trade name regularly used by such partnership and the fact that it is a partnership; for example, Doe and Roe Dairy Company, a partnership. (iii) A corporation shall give its full name as it appears on its corporate charter and the State of incorporation; for example, Doe Dairy Company, an Ohio corporation. (iv) A State or any political subdivision thereof shall give its name; for example, State of Ohio or Village of Plainfield, Wisconsin. (v) A fiduciary shall state his own name, his official capacity, and the name of his principal; for example, John Doe, Trustee for Richard Roe.

(2) **Addresses and farm serial numbers.** (i) Any applicant shall state the

mailing address of his residence or principal place of business or office and the telephone number thereof, if any. (ii) Any applicant shall state the farm serial number (if any) then assigned to his farm under the Agricultural conservation program. (iii) If the new farm machinery and equipment applied for is to be operated on more than one farm, such farm serial numbers (if any) of all the farms upon which the new farm machinery and equipment is to be operated shall be listed.

(3) *Separate applications.* A separate application shall be filed for each type of new farm machinery and equipment.

(4) *Execution by applicant.* The applicant shall certify the facts stated in the application in the manner and form provided therefor. In executing the application (i) an individual shall sign his full name; (ii) a partnership shall set forth the full name of the partnership, followed by the legend "a partnership," following which a duly authorized member or agent of the partnership shall sign his name, giving his position; (iii) a corporation shall set forth the full name of the corporation as it appears on the charter, followed by the legend "a corporation," following which a duly authorized officer or agent of the corporation shall sign his name, giving his position, preceded by the word "by"; (iv) a State or political subdivision thereof shall set forth its name, followed by the signature of a duly authorized official or other representative, giving his position, preceded by the word "by"; and (v) a fiduciary shall sign his full name followed by his official capacity.

§ 2.15 *Action by the county rationing committee on applications.* Before granting an application for a certificate of purchase of new farm machinery and equipment in Group A, the county rationing committee shall satisfy itself that the applicant has properly executed his application, that all the facts stated in the application are true, and that the applicant has satisfied all the pertinent requirements and conditions specified by these regulations. If an application is for new farm machinery and equipment contained in Group B, the county rationing committee shall return such application to the applicant advising him that he may purchase such new farm machinery and equipment from a dealer by making a certification in accordance with § 2.11 hereof.

§ 2.16 *Basis for county rationing committee determination.* The county rationing committee shall at all times serve the objective sought by the new farm machinery and equipment rationing program and allocate new farm machinery and equipment only to uses essential to the war effort and then in the order that such uses are most vital. The determination of facts in each case shall be made by the county rationing committee upon the basis of the application and all other information which comes to its knowledge. In acting upon applications, it shall observe all pertinent provisions of these regulations as orig-

inally issued and subsequently amended. The county rationing committee may in its discretion request the applicant, or his authorized representative, to appear in person at a designated time and place to answer pertinent questions. If an applicant shall refuse to permit the county rationing committee or its authorized representative to make such inspection of his farm and farm machinery and equipment as it deems necessary, his application shall be denied forthwith.

§ 2.17 *Notation of action.* When the county rationing committee determines that an application shall be granted, at least two members thereof shall place their initials in the box after the word "Approved" on Form MR-1. When it determines that an application shall be denied, at least two members shall place their initials after the word "Disapproved" in the box on Form MR-1.

CERTIFICATES FOR PURCHASE OF NEW FARM MACHINERY AND EQUIPMENT IN GROUP A

§ 2.18 *Notification.* After acting upon an application, the county rationing committee shall notify the applicant of its decision. If the application is denied, the reasons therefor shall be set forth on Form MR-2. The original thereof shall be given or mailed to the applicant, and a copy shall be attached to the denied application, which shall be filed in alphabetical order in the office of the county rationing committee. In cases where the county rationing committee authorizes an applicant to purchase new farm machinery and equipment in Group A, it shall immediately issue to the applicant a non-transferable certificate for the purchase of such new farm machinery and equipment. The certificate shall be issued on Form MR-3.

§ 2.19 *Form of certificate.* The non-transferable certificate for the purchase of new farm machinery and equipment shall be prepared in triplicate. Such certificates shall be numbered serially and all numbers shall be accounted for and the serial number of the certificate placed upon the application. The original and one copy of the certificate shall be given or mailed to the applicant and the remaining copy shall be attached to the application.

§ 2.20 *Execution by issuing county rationing committee.* It shall be the responsibility of the county rationing committee, prior to the issuing of a purchase certificate, to insert on the original and each copy thereof the information designated thereon to be filled in by the county rationing committee. No certificate will be valid unless signed by at least one member of the county rationing committee.

§ 2.21 *Action by purchaser.* (a) Upon receiving the purchase certificate so executed, the applicant may purchase the new farm machinery and equipment specified therein, at a price not in excess of the maximum price established by the Office of Price Administration.

(b) The applicant shall at the time of purchase present to the dealer the original purchase certificate and copy

thereof in the form in which they were given to him by the county rationing committee.

§ 2.22 *Expiration of certificates of purchase.* No purchase shall be made pursuant to such a purchase certificate after October 31, 1942, and such purchase certificate shall not be valid to the extent that the new farm machinery and equipment described therein is not delivered to the applicant before November 1, 1942. If delivery is not made before November 1, 1942, the dealer shall return to the purchaser any consideration already received by him for the machinery and equipment not delivered.

§ 2.23 *Action by dealer.* Immediately upon delivering new farm machinery and equipment pursuant to a purchase certificate and copy thereof surrendered to him, the dealer shall sign the certificate and copy thereof in the space provided and mail the copy to the issuing county rationing committee.

APPEALS

§ 2.24 *Application for reconsideration by the county rationing committee.* Any applicant whose application for new farm machinery and equipment has been denied by the county rationing committee may, within fifteen calendar days after written notice of such action is mailed or given to him, request such committee, in writing, to reconsider its action on his application. It shall mail or give to such person written notice of its decision within fifteen calendar days after receipt of such written request for reconsideration.

§ 2.25 *Appeal to State board.* (a) Any applicant for new farm machinery and equipment who has good reason to believe that the decision of the county rationing committee on his request for reconsideration is not in accordance with the provisions of these regulations may, within fifteen calendar days after written notice of such decision is mailed or given to him, file with the State board a written appeal from such action.

(b) The applicant shall include in such appeal a statement in writing, setting forth the specific reasons why he believes the action taken by the county rationing committee was not in accordance with these regulations, stating the portion or portions of these regulations upon which he relies, and stating in full the facts upon which his appeal is based.

§ 2.26 *Action by the State board.* (a) The State board may require the county rationing committee or the applicant to furnish pertinent information in addition to that furnished before the county rationing committee with respect to the appeal pending before such board. The State board may affirm the decision of the county rationing committee, or may reverse or modify such decision. The action of the State board shall in all respects be in accordance with the provisions of these regulations.

(b) The State board's decision shall be made as soon as is reasonably possible (in any event not later than thirty calendar days after its receipt of the ap-

peal), shall be in writing, and shall be communicated immediately in writing to the applicant and to the county rationing committee. If the State board reverses or modifies the decision, it shall immediately mail a copy of its ruling to the Special War Board Assistant to the Secretary of Agriculture, Room 3095, South Building, Department of Agriculture, Washington, D. C.

§ 2.27 Review of State board action. If an applicant has good reason to believe that the ruling of the State board on his appeal is not in accordance with the provisions of these regulations, he may, within fifteen calendar days after notice of such ruling is mailed or given to him, file a written petition for review with the Special War Board Assistant to the Secretary of Agriculture at the address set forth in § 2.26 (b) hereof. Such written petition shall be dated and signed by the applicant, shall be under oath, and shall set forth the specific reasons why he believes the ruling of the State board is not in accordance with the provisions of these regulations and the portion or portions of these regulations upon which he relies. The Special War Board Assistant may require the furnishing of additional pertinent information by the applicant, the county rationing committee, or the State board. He may affirm the ruling of the State board or he may reverse or modify such ruling and remand the matter to the county rationing committee for action not inconsistent with his ruling. Such ruling shall be in writing and shall be communicated to the applicant, to the county rationing committee, and to the State board.

RECORDS

§ 2.28 Records to be kept by the county rationing committee. (a) All applications for new farm machinery and equipment, and papers relating thereto, received by the county rationing committee shall be systematically filed in its office. Records shall be kept by the committee of such pertinent and material data as may be necessary to carry out these regulations or as may be required by the Special War Board Assistant or the Secretary of Agriculture. Copies of purchase certificates received from dealers shall be attached to the respective applications.

(b) Lists containing the names and addresses of applicants who have been granted purchase certificates and the new farm machinery and equipment covered by each respective certificate shall be kept freely available for public inspection in the office of the county rationing committee and shall be made available for publication in local newspapers.

§ 2.29 Records to be kept by dealers. (a) Each dealer shall file with the State board on or before November 10, 1942, a list of all new farm machinery and equipment which he had in his possession at the close of business on October 31, 1942.

(b) Each dealer shall, upon delivery of the new farm machinery and equipment called for in a purchase certificate accepted by him, sign the original and copy thereof and mail such copy to the county rationing committee.

(c) Each dealer shall maintain a file containing the originals of all purchase certificates which have been accepted by him from applicants. However, on or before November 10, 1942, each dealer shall transmit to the issuing county rationing committee the originals and copies of all purchase certificates accepted by him with respect to which delivery of the new farm machinery and equipment desired thereon had not been completed before November 1, 1942.

(d) Each dealer shall keep all certifications accepted by him pursuant to § 2.11 hereof until called for by the county rationing committee.

(e) Each dealer shall make such reports and furnish such information as may be required from time to time by the Secretary of Agriculture, or other persons or agencies designated herein to assist in the administering of the regulations.

ENFORCEMENT

§ 2.30 Unlawful use or possession. It shall be unlawful for any person who has accepted a transfer of farm machinery and equipment in violation of Temporary Rationing Order No. A, or any amendment thereof, to use or have in his possession or under his control such farm machinery and equipment.

§ 2.31 Criminal prosecution. (a) Any person who knowingly falsifies an application, purchase certificate, certification, or any other record included within the terms of Temporary Rationing Order No. A, or any amendments thereof, or who otherwise knowingly furnishes false information with regard to any matter covered by these regulations to a county rationing committee or to any other agent, agency, employee, or officer of the Department of Agriculture, or who conspires with another person to commit any of the foregoing acts, may, upon conviction, be fined not more than \$10,000 or be imprisoned for not more than ten years, or both, and shall in addition be subject to the penalties therefor under any and all applicable laws.

(b) Any person who wilfully commits any act prohibited, or who wilfully fails to perform any act required, by any provision of Temporary Rationing Order No. A, or any amendments thereof, may, upon conviction, be fined not more than \$10,000 or be imprisoned for not more than one year, or both, and shall in addition be subject to the penalties therefor under any and all applicable laws.

§ 2.32 Suspension orders. (a) Any person who violates any provision of Temporary Rationing Order No. A, or any amendment thereof, may by administrative suspension order be prohibited from receiving any deliveries of or selling or otherwise disposing of or using any new farm machinery and equipment. Such suspension orders shall be issued by the Special War Board Assistant and shall be effective for such period as he deems necessary or appropriate in the public interest and to promote the security of the United States.

(b) The Special War Board Assistant may recommend to the Office of Price Administration or the War Production Board that any person who violates any

provision of Temporary Rationing Order No. A, or any amendment thereof, be denied the right to receive, use, sell, or otherwise dispose of any other materials which now or in the future may be under allocation.

§ 2.33 Other methods of enforcement. The Special War Board Assistant may also take such other action for enforcement of the provisions of the regulations, or any amendment thereof, as may be necessary, including application to courts and to appropriate agencies of local, State, and Federal governments in order to invoke such powers as may be available and appropriate in connection therewith, including the power to requisition.

§ 2.34 Publicity. In the event of a refusal or failure to abide by any provision of these regulations, or any amendment thereof, or in the event of any evasion or attempt to evade any provisions of the regulations, or any amendment thereof, the Special War Board Assistant, in addition to the foregoing penalties, will make every effort to insure that complete information concerning the same is given to the public and to the appropriate officials of local, State, and Federal governments.

§ 2.35 Complaints of violations. Any person having knowledge of a violation of any provision of these regulations, or any amendment thereof, shall report the same to the county rationing committee, the State board, the Special War Board Assistant, or the Secretary of Agriculture. An official or employee of the office to which the report is made shall take such information as is given, securing the signature of the person so reporting, if possible, and transmit the report, together with such pertinent information as may be then available, to the Special War Board Assistant.

SCOPE OF TEMPORARY RATIONING ORDER NO. A

§ 2.36 Territorial limitation. Temporary Rationing Order No. A shall only apply within the limits of continental United States.

EFFECTIVE DATES

§ 2.37 Effective dates of farm machinery and equipment rationing regulations. The farm machinery and equipment rationing regulations (§§ 2.1 to 2.37, inclusive) shall become effective September 17, 1942.

Done at Washington, D. C., this 15th day of September 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

SCHEDULE I—FARM MACHINERY AND EQUIPMENT IN GROUP B

Group 1. Planting, seeding and fertilizing machinery:

Div. 1. Corn planters.

Item 1. One horse, single row.

Item 2. Two row, horse drawn.

Item 3. Two row, tractor drawn or mounted.

Item 4. Three and four row, tractor drawn.

Group 1. Planting, seeding and fertilizing machinery—Continued.

Div. 2. Combination corn and cotton planters:

- Item 1. One horse, single row.
- Item 2. Two horse, single row.
- Item 3. Two row, horse drawn.
- Item 4. Two row, tractor drawn or mounted.
- Item 5. Three and four row, horse or tractor drawn.

Div. 3. Potato planters:

- Item 1. Horse or tractor drawn.

Div. 4. Transplanters:

- Item 1. One and two row, horse or tractor drawn.

Div. 5. Listers with planting attachments:

- Item 1. One row, horse or tractor drawn.
- Item 2. Two row, horse or tractor drawn.

Div. 6. Beet drills:

- Item 1. Horse or tractor drawn.

Div. 7. Garden planters:

- Item 1. Hand.
- Item 2. Horse or tractor drawn.

Div. 8. Broadcast seeders:

- Item 1. Wheel, horse drawn.
- Item 2. Endgate.
- Item 3. Hand (wheelbarrow and other).

Div. 9. Other planting, seeding and fertilizing machinery:

- Item 1. Other planting, seeding and fertilizing machinery not listed in in § 2.1 (j).

Group 2. Plows and listers:

Div. 1. Moldboard plows:

- Item 1. Horse drawn, walking one horse.
- Type 1. Steel bottom.
- Type 2. Chilled bottom.
- Item 2. Walking, two horse and larger.
- Item 3. Sulky, one bottom.
- Item 4. Gang, two bottom and larger.
- Item 5. Tractor drawn or mounted.
- Type 1. One bottom.
- Type 2. Two bottom.
- Type 3. Three bottom.
- Type 4. Four bottom.
- Type 5. Five bottom and larger.

Div. 2. Disc plows, horse drawn:

- Item 1. Single disc and larger.

Div. 3. Disc plows, tractor drawn:

- Item 1. Two disc.
- Item 2. Three disc.
- Item 3. Four disc.
- Item 4. Five disc.
- Item 5. Six disc and larger.

Div. 4. One way disc plows or tillers:

- Item 1. One way disc plows or tillers.

Div. 5. Listers (middle busters without planting attachment):

- Item 1. One row, horse or tractor drawn.
- Item 2. Two row, horse or tractor drawn.

Div. 6. Subsoil plows:

- Item 1. Subsoil plows.

Div. 7. Plowstocks:

- Item 1. Plowstocks.

Div. 8. Other plows and listers.

Group 3. Harrows, rollers, pulverizers and stalk cutters:

Div. 1. Harrows:

- Item 1. Spike tooth sections, horse or tractor drawn.
- Item 2. Spring tooth sections, horse or tractor drawn.

Div. 2. Smooth land rollers:

- Item 1. Smooth land rollers.

Div. 3. Soil pulverizers and packers:

- Item 1. Soil pulverizers and packers.

Div. 4. Stalk cutters:

- Item 1. Stalk cutters.

Div. 5. Other harrows and rollers:

- Item 1. Other harrows and rollers except that listed in § 2.1 (j).

Group 4. Cultivators and weeders:

Div. 1. Cultivators:

- Item 1. Horse drawn:
 - Type 1. One horse (all types).
 - Type 2. One row, walking (two horse).
 - Type 3. One row, riding (two horse).
 - Type 4. Two row, riding.

Group 4. Cultivators and weeders—Con.

Div. 1. Cultivators—Continued.

- Item 2. Tractor drawn or mounted.
 - Type 1. One row, tractor drawn or mounted.
 - Type 2. Two row, tractor drawn or mounted.
 - Type 3. Three and four row, tractor drawn or mounted.
 - Type 4. Five and six row, tractor drawn or mounted.
- Item 3. Beet cultivators, horse or tractor drawn or mounted.
- Item 4. Field cultivators, horse or tractor drawn.
- Item 5. Garden cultivators (hand).

Div. 2. Rotary hoes, horse or tractor drawn:

- Item 1. Rotary hoes, horse or tractor drawn.

Div. 3. Rod weeder, horse or tractor drawn:

- Item 1. Rod weeder, horse or tractor drawn.

Div. 4. Other cultivators and weeders:

- Item 1. Other cultivators and weeders.

Group 5. Harvesting machinery:

Div. 1. Grain binders:

- Item 1. Grain binders.

Div. 2. Rice binders:

- Item 1. Rice binders.

Div. 3. Corn binders:

- Item 1. Corn binders (row binder) horse or tractor drawn.

Div. 4. Ensilage harvesters (corn, hay):

- Item 1. Ensilage harvesters (corn, hay).

Div. 5. Pea and bean harvesters:

- Item 1. Pea and bean harvesters.

Div. 6. Other harvesting machinery:

- Item 1. Other harvesting machinery except that listed in § 2.1 (j).

Group 6. Haying machinery:

Div. 1. Mowers:

- Item 1. Horse drawn.
- Item 2. Tractor drawn.
- Item 3. Tractor mounted.

Div. 2. Rakes:

- Item 1. Rakes, sulky (dump).
- Item 2. Rakes (side del.), including comb. side rakes and tedders.
- Item 3. Sweep.

Div. 3. Hay loaders:

- Item 1. Hay loaders.

Div. 4. Stackers:

- Item 1. Stackers.

Div. 5. Other haying machinery:

- Item 1. Other haying machinery except that listed in § 2.1 (j).

Group 7. Machines for preparing crops for market or use:

Div. 1. Grain threshers, incl. rice and alfalfa threshers:

- Item 1. Threshers, width of cylinder under 28 inches.
- Item 2. Threshers, width of cylinder 28 inches and over.

Div. 2. Pea and bean threshers:

- Item 1. Pea and bean threshers.

Div. 3. Peanut pickers:

- Item 1. Peanut pickers.

Div. 4. Ensilage cutters (silo fillers):

- Item 1. Ensilage cutters (silo fillers).

Div. 5. Feed cutters (hand and power):

- Item 1. Feed cutters (hand and power).

Div. 6. Corn shellers:

- Item 1. Corn shellers (hand).
- Item 2. Corn shellers (power).
 - Type 1. Spring (2, 4, 6, and 8 holes).
 - Type 2. Cylinder (150 bu. and under).
 - Type 3. Cylinder (over 150 bu.).

Div. 7. Hay presses:

- Item 1. Horse.
- Item 2. Engine or belt power.

Div. 8. Grain cleaners and graders.

- (Small grain only):
 - Item 1. Grain cleaners and graders (small grain only).

Div. 9. Potato sorters and graders:

- Item 1. Potato sorters and graders.

Group 7. Machines for preparing crops for market or use—Continued.

Div. 10. Cane mills (farm size):

- Item 1. Cane mills (farm size).

Div. 11. Syrup evaporators (cane):

- Item 1. Syrup evaporators (cane).

Div. 12. Syrup evaporators (maple):

- Item 1. Complete sets of pans, not including furnaces.

Item 2. Furnaces.

Div. 13. Cider mills and fruit presses:

- Item 1. Cider mills and fruit presses.

Div. 14. Other machines for preparing crops for market or use:

- Item 1. Other machines for preparing crops for market or use except that listed in § 2.1 (j).

Group 8. Engines:

Div. 1. Engines under 1 h. p.:

- Item 1. Air cooled.

Div. 2. One or more but under 5 h. p.:

- Item 1. Air cooled.
- Item 2. Water cooled.

Div. 3. Five or more but under 10 h. p.:

- Item 1. Water cooled.

Div. 4. Ten or more but under 20 h. p. water cooled.

- Item 1. Water cooled.

Group 9. Farm wagons and trucks:

Div. 1. Wagons, farm without boxes:

- Item 1. Wagons, farm without boxes.

Div. 2. Trucks, farm not motor trucks:

- Item 1. Trucks, w/ steel tires.
- Item 2. Trucks, w/ rubber tires.

Div. 3. Wagon and truck boxes, farm:

- Item 1. Wagon and truck boxes, farm.

Div. 4. Trailers, farm, 2 wheel:

- Item 1. Trailers, farm, 2 wheel.

Group 10. Miscellaneous farm machines and equipment:

Div. 1. Dairy machinery and equipment:

- Item 1. Cream separators:
 - Type 1. Capacity 250 lb. per hr. or less.
 - Type 2. Capacity 251-500 lb. per hr.
 - Type 3. Capacity 501 lb. and over per hr.
- Item 2. Butter-making equipment.

Div. 2. Other farm dairy equipment:

- Item 1. Other farm dairy equipment except that listed in § 2.1 (j).

Group 11. Spraying outfits (complete):

Div. 1. Sprayers:

- Item 1. Power sprayers (not including engine).
- Item 2. Traction sprayers.
- Item 3. Hand sprayers (with tank, barrel, knapsack etc.) capacity less than 6 gal.:
 - Type 1. Compressed air.
 - Type 2. Knapack, self-contained.
 - Type 3. Trombone pump type.
 - Type 4. Bucket pump type, single cylinder.
 - Type 5. Bucket pump type, double cylinder.
 - Type 6. Atomizing single action.
 - Type 7. Atomizing continuous.
- Item 4. Sprayers with tank, barrel, knapsack, etc., capacity 6 gallons or more w/ cpt equipment:
 - Type 1. Barrel pump w/ cpt equip.
 - Type 2. Sprayers, wheelbarrow w/ cpt equipment.

Div. 2. Spray pumps, power:

- Item 1. Spray pumps, power.

Div. 3. Dusters:

- Item 1. Dusters:
 - Type 1. Power.
 - Type 2. Traction.
 - Type 3. Dusters (hand).

Div. 4. Orchard heaters.

Group 12. Domestic water systems, pneumatic:

Div. 1. Deep well, all sizes:

- Item 1. Deep well, reciprocal.
- Item 2. Deep well, jet pumps.

Div. 2. Shallow well:

- Item 1. Under 250 gal. per hour.
- Item 2. 250 to 499 gal. per hour.
- Item 3. 500 gal. per hour and over.

Group 12. Domestic water systems, pneumatic—Continued.

Div. 3. Tanks:
Item 1. Tanks.

Div. 4. Pumps, water:
Item 1. Pitcher pumps.
Item 2. Hand pumps.
Item 3. Windmill pumps.

Div. 5. Power pumps, horizontal type:
Item 1. Up to and including 75 gal. per minute, 100# pressure.

Div. 6. Cylinders, for sale separately:
Item 1. Cylinders, for sale separately.

Div. 7. Windmills:
Item 1. Pump jacks.
Item 2. Windmill heads.
Item 3. Windmill towers.

Group 13: Barn and barnyard equipment:

Div. 1. Feed and litter carriers, overhead (box and gearing):
Item 1. Feed and litter carriers.

Div. 2. Feed trucks:
Item 1. Feed trucks.

Div. 3. Hay carriers:
Item 1. Hay carriers.

Div. 4. Track for carriers (feed):
Item 1. Track for carriers (feed).

Div. 5. Hay works (harpoon, grapple, etc.):
Item 1. Hay forks (harpoon, grapple, etc.).

Div. 6. Stanchions:
Item 1. Stanchions.

Div. 7. Manger partitions and fittings:
Item 1. Manger partitions and fittings.

Div. 8. Stalls and fittings:
Item 1. Stalls and fittings.

Div. 9. Individual livestock drinking cups:
Item 1. Individual livestock drinking cups.

Div. 10. Outside livestock watering bowls:
Item 1. Outside livestock watering bowls.

Div. 11. Hog troughs:
Item 1. Hog troughs.

Div. 12. Stock tanks:
Item 1. Stock tanks, steel.
Item 2. Stock tanks, wooden.

Div. 13. Stock feeders:
Item 1. Stock feeders.

Div. 14. Stock pens, steel:
Item 1. Stock pens, steel.

Div. 15. Feed cookers:
Item 1. Feed cookers.

Div. 16. Tank heaters (electric and others):
Item 1. Tank heaters (electric and others).

Div. 17. Barn door hangers and track:
Item 1. Barn door hangers and track.

Div. 18. Other equipment:
Item 1. Other barn and barnyard equipment.

Group 14. Poultry farm equipment:

Div. 1. Incubators:
Item 1. Lamp and Electrical (1,000 egg and smaller).
Item 2. Commercial (over 1,000 egg capacity).

Div. 2. Brooders:
Item 1. Floor:
Type 1. Oil.
Type 2. Coal or wood.
Type 3. Gas.
Type 4. Electric.
Item 2. Battery (heated):
Type 1. Three deck.
Type 2. Four deck.
Type 3. Five deck.

Div. 3. Poultry growing batteries:
Item 1. Poultry growing batteries.

Div. 4. Laying batteries:
Item 1. Laying batteries.

Div. 5. Poultry feeders:
Item 1. Poultry feeders.

Div. 6. Poultry waterers:
Item 1. Glass jar type, less than one gal.
Item 2. One gallon and up (metal).

Div. 7. Other equipment:
Item 1. Other equipment.

Group 15. Miscellaneous farm equipment:

Div. 1. Beekeepers' supplies:
Item 1. Beekeepers' supplies.

Div. 2. Portable corn cribs:
Item 1. Portable corn cribs.

Div. 3. Grain bins:
Item 1. Grain bins.

Div. 4. Gates, farm:
Item 1. Gates, farm.

Div. 5. Lighting plants elect., residence, etc.:
Item 1. Capacity 300 watts or less (battery type).
Item 2. Capacity over 300 watts to 10 kilowatts.

Div. 6. Silos:
Item 1. Silos.

Div. 7. Wheelbarrows:
Item 1. Wooden.
Item 2. Steel (tubular).

Div. 8. Wood-sawing machines (circular):
Item 1. Wood-sawing machines (circular).

Div. 9. Horse shoes, horse shoe nails:
Item 1. Horse shoes, horse shoe nails.

Div. 10. Electric fence controllers:
Item 1. Electric fence controllers.

Div. 11. Harness hardware:
Item 1. Harness hardware.

Div. 12. Power sheep shearing machines:

Group 16. Irrigation equipment:

Div. 1. Irrigation pumps:
Item 1. Turbine Pumps:
Type 1. Turbine Pumps 0 to 1200 GPM.
Type 2. Turbine Pumps 1200 GPM and up. Belt driven.
Item 2. Centrifugal Pumps.
Item 3. Hydraulic Rams.

Div. 2. Distribution equipment:
Item 1. Land leveling equipment. Ditchers. Corrugators and scrapers (excluding power ditchers, draglines and other self powered machines).
Item 2. Portable pipe and extensions, sprinklers, valves and gates.

Group 17. Attachments:

Div. 1. All attachments for all items in all Groups in this Schedule I.

Div. 2. All attachments for all items listed in § 2.1 (j).

EXEMPTIONS: All hand-operated machinery equipment and all machinery and equipment drawn or operated by one or two horses listed in this Schedule I are exempt from Temporary Rationing Order No. A by § 2.6 thereof and by Schedule II hereof unless such machinery and equipment is listed in § 2.1 (j).

SCHEDULE II—New Farm Machinery and Equipment Exempt from the Provisions of Temporary Rationing Order No. A by § 2.6 thereof

1. Hand Tools:
 - a. Hoes
 - b. Rakes
 - c. Forks
 - d. Scythes
 - e. Shovels

2. All hand operated and one and two horse drawn farm machinery and equipment not included in Group A in § 2.1 (j).

SCHEDULE III—FORM OF CERTIFICATION REQUIRED IN ORDER TO PURCHASE NEW FARM MACHINERY AND EQUIPMENT IN GROUP B AS PROVIDED IN SECTION 2.11 OF TEMPORARY RATIONING ORDER NO. A

To _____

Name of Dealer

Address of Dealer

I hereby certify that the farm machinery and equipment described below is necessary to handle my production during the remainder of the calendar year 1942, including increased or new production planned and

needed as a contribution to the current agricultural need: (Description of machinery and equipment)

Signature of Purchaser

Address of Purchaser

Date

[F. R. Doc. 42-9163; Filed, September 16, 1942; 12:35 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 4—RELATIONS WITH AGENCIES OF PUBLIC CONTACT

CANADIAN-BORN AMERICAN INDIANS: EXEMPTION FROM IMMIGRATION LAWS

Section 4.6 of Part 4, Title 10, Code of Federal Regulations, is hereby rescinded. (R.S. 161; 5 U.S.C. 22) [AR 170-10, August 10, 1942]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-9133; Filed, September 15, 1942; 2:44 p. m.]

PART 4—REGULATIONS WITH AGENCIES OF PUBLIC CONTACT

MAKING OF PHOTOGRAPHS, SKETCHES, ETC., OF MILITARY OR NAVAL SUBJECTS

Pursuant to the authority conferred upon the Secretary of War and the Secretary of the Navy by the Act of Congress approved June 25, 1942 (Public Law Number 627—77th Congress), "to prevent the making of photographs and sketches of military or naval reservations, naval vessels, and other naval and military properties, and for other purposes", the following regulations are hereby prescribed:

(a) Sketches, photographs, photographic negatives, blueprints, plans, maps, models, copies or other representations, may be made of any area, place, property, or thing, described in the Act of Congress approved June 25, 1942, (Public Law Number 627—77th Congress), only upon the expressed permission of the Secretary or his authorized representative having jurisdiction of the subject matter. Such permission will be granted only if the interests of national defense will not be adversely affected thereby.

(b) The authorized representatives who may grant the necessary permission are:

War Department. Any Commanding General of a Defense Command, Theater of Operations, Department or Service Command, Director of War Department Bureau of Public Relations or any Commander of a post, camp or station.

Navy Department. Fleet Commanders or Commanders of any major subdivision thereof, Commanders of Sea Frontiers, District Commandants, the Director of the Office of Public Relations, Commanding Officers of Ships, Aircraft Squadrons, or Stations, or, an officer of the U. S. Marine Corps having a command equivalent to any of the foregoing. (Pub. Law, 627, 77th Cong.)

Issued and effective this 10th day of September 1942.

HENRY L. STIMSON,
Secretary of War.

FRANK KNOX,
Secretary of the Navy.

[F. R. Doc. 42-9152; Filed, September 16, 1942;
11:21 a. m.]

PART 8—COMPETITION WITH CIVILIAN BANDS

INSTRUCTIONS GOVERNING USE OF BANDS OR INDIVIDUAL MUSICIANS

Section 8.2 is hereby added as follows:

§ 8.2 *Instructions governing use of bands or individual musicians.* The following instructions pertaining to the use of bands or individual musicians which conform to sec. 35, Act June 3, 1916 (39 Stat. 188; 10 U.S.C. 609) quoted in § 8.1, will govern:

(a) Bands or individual musicians may be furnished on the following occasions:

(1) All military uses and occasions, that is, whenever and wherever a service band functions as part of the nation's military forces.

(2) All uses upon military and naval reservations, military and naval vessels, and other places or circumstances where a band is on duty with service forces.

(3) Official occasions attended by the superior officers of the Government and of the Army, Navy, and Marine Corps in their official capacities and in the performance of official duties, but such occasions do not include social occasions and entertainments, such as dinners, luncheons, etc., given by civilians or civic associations with such officers as guests.

(4) The occasions under subparagraphs (1) and (3) of this paragraph may include ceremonies in which music is an appropriate part. In such cases the music may be broadcast with the other features of the official program for the occasion.

(5) Broadcasts from a military reservation of concerts by Army bands and music furnished by an Army band as part of an entertainment program when such program conforms to subparagraph (2) above.

(6) Broadcasts off a military reservation of concerts by Army bands or any part thereof for purely recruiting drives when not a part of and not connected in any way with a commercial enterprise.

(7) Musical programs at any United States hospital for the entertainment of its inmates.

(8) Concerts in the Capitol grounds, Capitol building, and public parks of the City of Washington only.

(9) At free social and entertainment activities conducted *exclusively* for the benefit of enlisted men and their guests in service clubs and social centers maintained for the use of enlisted men in the vicinity of military reservations. Since it is contemplated that such service will not be furnished when it would interfere with the normal military duties of bandmen, furnishing of musicians on such occasions is discretionary with the commanding officer having jurisdiction in the matter.

(10) For parades and ceremonies incident to national gatherings of officers of the Army of the United States, veterans and patriotic organizations. These occasions do not include dinners, dances, or luncheons.

(11) At public rallies and parades held exclusively for the sale of War Bonds and Stamps. If admission is charged the entire proceeds must be used for the purchase of stamps or bonds. The Commanding Officer having jurisdiction may determine the extent of participation with due consideration being given to interference with training. The cost of transporting the band for such activities may be charged against appropriated funds.

(12) At public rallies and parades to stimulate munitions production. This applies particularly to such celebrations held at manufacturing plants in connection with plant awards.

(13) The Army Relief, the Army Emergency Relief, and the National Red Cross, when the entire proceeds are donated to these agencies. Local charities and community chests are not included.

(b) Bands or individual musicians will not be furnished on the following occasions:

(1) For civic parades, ceremonies, expositions, etc., except as provided under paragraph (a) (11) and (12) above, regattas, contests, festivals, local baseball or football games, activities or celebrations, and the like.

(2) For the furtherance, directly or indirectly, of any public or private enterprise, functions by chambers of commerce, boards of trade and commercial clubs or associations.

(3) For any occasion that is partisan or sectarian in character or purpose.

(4) For civilian clubs, societies, civic or fraternal organizations.

(5) For so-called charitable purposes of a local, sectarian, or partisan character or any so-called charity that is not of a national character.

(6) For broadcasts off a military reservation, except as stated in paragraph (a) (6) of this section.

(7) Any occasion where there will in fact be competition with civilians. (Sec. 35, 39 Stat. 188; 10 U. S. C. 609) [Cir. 291, W. D., August 29, 1942.]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-9148; Filed September 16, 1942;
10:24 a. m.]

Chapter V—Military Reservations and National Cemeteries

PART 52—REGULATIONS AFFECTING MILITARY RESERVATIONS

STANDARD QUANTITIES OF HEAT, LIGHT AND ELECTRIC POWER

§ 52.12 *Welfare agencies.* [Re-scinded.] (R.S. 161; 5 U.S.C. 22) [AR 30-1620, June 10, 1932, rescinded by C1, September 1, 1942]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-9132; Filed, September 15, 1942;
2:44 p. m.]

Chapter VII—Personnel

PART 77—MEDICAL AND DENTAL ATTENDANCE

CIVILIAN HOSPITAL EMPLOYEES

Section 77.19 (e)¹ is hereby amended to read as follows:

§ 77.19 *Civilian hospital employees.* * * *

(e) *Rations.* Whenever it is found necessary or deemed desirable, civilian employees, irrespective of their rate of pay, may be either furnished meals at the hospital, or, by special authority of the Surgeon General in exceptional circumstances, furnished with a ration in kind: *Provided*, That deductions are taken from their pay for such subsistence or ration, or that reimbursement in cash is received. Civilian employees permitted or required to take meals regularly at the hospital will have appropriate deductions made from their gross compensation. Civilian employees permitted to take an occasional meal at the hospital will make reimbursement to the hospital fund in cash. The deductions for subsistence will be made according to the evaluation set forth in AR 35-3840. The cash value of subsistence furnished will be determined by the Surgeon General. Rations for those female technicians and other female employees who are invited by the chief nurse to participate in that portion of the hospital mess established for Army nurses, and assigned thereto by the commanding officer of the hospital, are commuted at the rate of 70 cents a day, payment thereof to be made by the local disbursing officer. (R.S. 161; 5 U.S.C. 22) [Par. 13 (e), AR 40-590, February 2, 1942, as amended by C 2 August 28, 1942]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-9155; Filed, September 16, 1942;
11:19 a. m.]

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 87—ELECTRICITY, GAS, AND WATER

CHARGES FOR ELECTRICITY AND GAS

§ 87.1 *Charges for electricity and gas.*² [Rescinded.] (R.S. 161; 5 U.S.C. 22)

¹ 7 F.R. 2720.

² 6 F.R. 2500.

[AR 30-1635, June 6, 1923, rescinded by C 3 September 1, 1942]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-9154; Filed, September 16, 1942; 11:19 a. m.]

Chapter IX—Transport

PART 91—GENERAL TRANSPORT REGULATIONS

RESCISSON OF CERTAIN SECTIONS

Sections 91.4, 91.5, 91.6 and 91.7, Part 91, Title 10, Code of Federal Regulations, are hereby rescinded. (R.S. 161; 5 U.S.C. 22) [AR 30-1195, July 5, 1933, rescinded by C 2, September 1, 1942]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-9134; Filed, September 15, 1942; 2:44 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

[General License No. HS-1, as Amended]

PART 135—GENERAL LICENSES ISSUED UNDER SECURITIES REGULATIONS OF THE GOVERNOR OF HAWAII

AUTHORIZATION TO CONTINUE ACCEPTANCE OF SECURITIES FOR DEPOSIT

AUGUST 31, 1942.

§ 135.1 *General License HS-1.*¹ A general license is hereby granted authorizing any domestic bank, the Treasurer of the Territory of Hawaii, or any other person authorized to accept securities for deposit in securities custody accounts, pursuant to the Regulations Relating to Securities, as amended, to continue to accept securities of the type referred to in § 133.2 (b) (1)² of the Regulations for deposit in securities custody accounts: *Provided*, That an affidavit in triplicate shall be obtained from any person presenting securities for deposit pursuant to this general license, stating in detail why such securities were not presented within the time limits fixed by the Regulations. Such affidavits shall be filed promptly with the Office of the Governor of Hawaii by persons receiving them.

This license shall expire at the close of business on September 30, 1942.

[SEAL]

INGRAM M. STAINBACK,
Governor of Hawaii.

Confirmed:

BERNARD BERNSTEIN,
Assistant General Counsel.

[F. R. Doc. 42-9137; Filed, September 15, 1942; 4:28 p. m.]

¹ 7 F.R. 6464.

² 7 F.R. 5608.

No. 183—2

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

[Preference Rating Order P-98-b]

§ 1041.2 *Preference Rating Order P-98-b.* For the purpose of facilitating the acquisition of material for the production, transportation, refining and marketing of petroleum, preference ratings are hereby assigned to deliveries of necessary material upon the terms hereinafter set forth:

(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Operator" means:

(i) Any person located in the United States, its territories or possessions, engaged in the petroleum industry; or

(ii) Any person located in the Dominion of Canada engaged in the petroleum industry to whom and in whose name a copy of this order or of Preference Rating Order No. P-98, Extended and Amended,¹ is or has been specifically issued and to whom a serial number has been assigned.

(3) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of material to the operator or to another supplier.

(4) "Petroleum" means petroleum, petroleum products and associated hydrocarbons, including but not limited to natural gas.

(5) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.

(6) "Petroleum industry" means any operation directly incident to:

(i) The discovery, development or depletion of petroleum pools (production);

(ii) The extraction or recovery of natural gasoline and associated hydrocarbons (natural gasoline production);

(iii) The transportation, movement, loading or unloading of petroleum other than natural gas (transportation);

(iv) The processing, refining or compounding of finished or unfinished petroleum products (refining);

(v) The distribution or dispensing of petroleum products (other than natural gas) and the storing of petroleum products incident thereto (marketing).

(b) *Scope of order.* (1) No operator may apply any preference rating assigned by this order to obtain delivery of material (i) unless such material is to be used for maintenance or repair purposes or as operating supplies; or (ii) unless such rating is applied to obtain delivery of material to be used in any operation directly incident to the discovery, development or depletion of petroleum pools.

(2) The Director General for Operations may from time to time issue sup-

plementary orders or specific directions with respect to the application of preference ratings or the use of material obtained under this order.

(c) *Assignment of preference ratings.*

(1) Subject to the terms of this order, a preference rating of A-2 or A-1-a is hereby assigned to deliveries of material to an operator for use in the petroleum industry.

(d) *Restrictions on the application of preference ratings by an operator.* (1) No operator may apply any preference rating assigned by this order to obtain delivery of material unless the material cannot otherwise be obtained on the date when such material is required, and no operator may apply the A-1-a preference rating assigned by this order in any case where the A-2 preference rating assigned by this order will enable such operator to secure the material on the date when such material is required.

(2) No operator may apply a rating assigned by this order to obtain material the use of which may be eliminated by substitution of less scarce material or by change of design without serious loss of efficiency.

(3) No operator may apply a rating assigned by this order to obtain material in excess of a 90 day supply thereof: *Provided*, That the Director General for Operations may determine and direct that any operator or class of operators is exempt, in whole or in part, from the restrictions contained in this paragraph.

(4) No operator as defined in paragraph (a) (2) (i) may apply a rating assigned by this order to obtain material for any use which is restricted, prohibited, or in any way limited by any order or regulation issued by the War Production Board, other than material to be used in conformity with the provisions of such order or regulation.

(5) No operator as defined in paragraph (a) (2) (ii) may apply a rating assigned by this order to obtain material for any use which is restricted, prohibited, or in any way limited by any applicable order or equivalent authority issued by the Government of the Dominion of Canada, other than material to be used in conformity with the provisions of such order or equivalent authority.

(e) *Method of application of preference ratings.* In order to apply a preference rating assigned by this order:

(1) The operator must endorse on, or attach to, each contract or purchase order placed by him which includes such a preference rating, a certification in the following form, signed manually or as provided in Priorities Regulation No. 7 (§ 944.27)¹ by an official duly authorized for such purpose:

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the item shown on this purchase order and that such application or extension is in accordance with Priorities Regulation No. 3, as amended,

¹ 7 F.R. 1062.

¹ 7 F.R. 6384.

with the terms of which the undersigned is familiar.

(Name of purchaser) (Address)
By: _____
(Signature and title of duly authorized official) (Date)

(2) And where an item to the delivery of which a preference rating of A-1-a is to be applied has a cost to the operator of \$500 or more, the operator shall obtain the approval of the Director General for Operations before such rating is applied. In order to obtain such approval, the operator shall communicate to the Office of Petroleum Coordinator for War, Washington, D. C., Ref: P-98b the information set forth in paragraph (f); and

(3) Where an item to the delivery of which a preference rating of A-1-a is to be applied has a cost to the operator of less than \$500, the operator as defined in paragraph (a) (2) (i) shall obtain the countersignature of the District Director in Charge of a District Office of the Office of Petroleum Coordinator on the purchase order or contract for such item before such rating is applied, and the operator as defined in paragraph (a) (2) (ii) shall obtain the countersignature of the Oil Controller, Dominion of Canada, on the purchase order or contract for such item before such rating is applied. In order to obtain such a countersignature, the operator shall communicate to the District Director or the Oil Controller the information set forth in paragraph (f); and

(4) Where an item to the delivery of which a preference rating of A-2 is to be applied has a cost to the operator of \$500 or more, the operator as defined in paragraph (a) (2) (i) shall obtain the countersignature of the District Director in Charge of a District Office of the Office of Petroleum Coordinator on the purchase order or contract for such item before such rating is applied, and the operator as defined in paragraph (a) (2) (ii) shall obtain the countersignature of the Oil Controller, Dominion of Canada on the purchase order or contract for such item before such rating is applied. *Provided*, That in applying a preference rating assigned by this order, no operator shall alter the customary designation of any item or subdivide an ordinary purchase of any item for the purpose of making it appear that the item costs less than \$500.

(f) *Information*. Wherever required by this order the following information shall be submitted by an operator:

(1) Date of actual breakdown or suspension of operations and exact explanation as to what extent operations are affected (if applicable);

(2) The equipment to be repaired and its function in maintaining continuous operation (if applicable);

(3) Price, quantity, approximate weight and detailed description of material necessary to effectuate the repair or to initiate or maintain operations;

(4) A general description of the metals contained in the material applied for, and the full justification as to necessity for any material containing metals adjudged critical by the War Production Board, including copper, nickel, chro-

mium, tin, zinc, aluminum and molybdenum;

(5) The supply of the necessary material which the operator has on hand; and

(6) The name and address of the supplier, or suppliers, from whom the material is to be obtained, and the earliest delivery dates assured on (i) and A-2 rating, and (ii) an A-1-a rating by such supplier, or suppliers, for delivery of the minimum necessary quantity of material.

(g) *Additional preference rating assistance*. (1) If the preference ratings assigned by this order will not enable an operator to obtain material on the date when such material is required, the operator may file a PD-1a application for an improvement of the ratings assigned by this order.

(2) If there has been an actual breakdown or a suspension of operations and if the preference ratings assigned by this order or the method specified in paragraph (e) for applying these ratings will not permit an operator to obtain material on the date when such material is required, the operator in order to obtain material for this emergency may communicate by letter or telegram with the Office of Petroleum Coordinator for War, Washington, D. C. Ref: P-98b, supplying the information set forth in paragraph (f).

(h) *Exception of operators from provisions of Preference Rating Orders Nos. P-43, P-46,¹ and P-100.²* No operator to the extent that he is engaged in the petroleum industry and is covered by this order shall be entitled to apply the preference rating or ratings assigned by Preference Rating Orders Nos. P-43, P-46, or P-100, and no operator to the extent that he is engaged in the petroleum industry and is covered by this order shall be subject to the provisions of Preference Rating Orders Nos. P-43, P-46, or P-100.

(i) *Communications*. All reports which may be required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed:

(1) By any person located in the United States, its territories or possessions to: Office of Petroleum Coordinator, South Interior Building, Washington, D. C. Ref: P-98-b.

(2) By any person located in the Dominion of Canada to: Office of Oil Controller, Dominion of Canada, Toronto, Canada, Ref: P-98-b.

(j) *Violations*. Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

¹ 7 F.R. 4699, 5272, 5903, 7234.

² 6 F.R. 6548; 7 F.R. 925, 1009, 1826, 1794, 2236, 2886, 6825.

(k) *Applicability of priorities regulations*. This order and all transactions affected thereby are subject to the applicable provisions of any priorities regulation issued by the War Production Board, as amended from time to time.

(l) *Effective date*. This order shall continue in effect up to but not after January 1, 1943, unless sooner revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9136; Filed, September 15, 1942;
4:01 p. m.]

Subchapter B—Director General for Operations

PART 1115—FUEL OIL

[Amendment 3 to Limitation Order L-56, as Amended]

1. Section 1115.1 *Limitation Order L-56*,³ as amended, paragraphs (b) (12) and (b) (13) are added and paragraph (c) is amended, to read as follows:

(b) *Definitions*. * * *

(12) "Area Four" means the area specified in Exhibit B hereof as the same may be amended from time to time.

(13) "Private dwelling" means any building or structure designed (or redesigned) for the occupancy of fewer than four (4) families, in which seventy percent (70%) or more of the total floor space is used for residential purposes.

(c) *Limitations on deliveries of fuel oil*—(1) *For use in the operation of coal spraying equipment*. No supplier shall deliver or cause to be delivered and no person shall accept delivery of fuel oil or any other petroleum product for use in the operation of coal spraying equipment at or in any place in the United States.

(2) *Within Area Four*, on and after September 16, 1942, no supplier shall deliver or cause to be delivered, and no person shall accept delivery of fuel oil, except in accordance with the provisions of paragraphs (c) (3), (c) (4), (c) (5), and (c) (6).

(3) *For use in heating equipment in private dwellings*. (i) Within Area Four during the period from September 16, 1942 to September 30, 1942, inclusive, a supplier may, subject to the provisions of subdivision (ii) of this subparagraph (3), deliver to or for use in a private dwelling only the amount of fuel oil necessary to fill to capacity the fuel storage tank or tanks of space and central heating and cooling equipment and of domestic and commercial water heating equipment used in such dwelling.

(ii) In the event that the capacity of such fuel storage tank or tanks exceeds two hundred and seventy-five (275) gallons, or in the event that no fuel storage tanks are maintained for such equipment, a supplier may, during the period speci-

³ 7 F.R. 3547, 5350, 5902.

fied in subdivision (i) of this subparagraph (3), deliver to or for use in such dwelling only the amount necessary to bring the total supply of fuel oil on hand for the operation of such equipment to two hundred and seventy-five (275) gallons.

(iii) After delivery to or for use in a private dwelling of the quantity of fuel oil permitted by subdivision (i) or (ii) of this subparagraph (3), no supplier shall deliver or cause to be delivered and no person shall accept delivery of fuel oil for the operation of such equipment in such dwelling, except as provided in paragraph (c) (5).

(4) *For use in heating equipment in premises other than private dwellings.* (i) Within Area Four, during the period from September 16, 1942 to September 30, 1942, inclusive, a supplier may, subject to the provisions of subdivision (ii) of this subparagraph (4), deliver to or for use in premises other than a private dwelling the amount of fuel oil necessary to fill to fifty percent (50%) of capacity the fuel storage tanks or tanks of space and central heating and cooling equipment and of domestic and commercial water heating equipment serving such premises.

(ii) In the event that no storage tanks are maintained for such equipment, a supplier may, during the period specified in subdivision (i) of this subparagraph (4), deliver to or for use in such premises only the amount necessary to bring the total supply of fuel oil on hand for the operation of such equipment to two hundred and seventy-five (275) gallons.

(iii) After delivery to or for use in premises other than a private dwelling of the quantity of fuel oil permitted by subdivision (i) or (ii) of this subparagraph (4), no supplier shall deliver or cause to be delivered and no person shall accept delivery of fuel oil for the operation of such equipment in such premises, except as provided in paragraph (c) (5).

(5) Within Area Four, on and after October 1, 1942, a supplier may deliver fuel oil for the operation of space and central heating and cooling equipment and domestic and commercial water heating equipment only if the person to whom or for whose account delivery is made agrees in writing to surrender to such supplier within fifteen (15) days after the effective date of any fuel oil ration order issued by the Office of Price Administration, coupons representing the amount of fuel oil delivered. Within fifteen (15) days after the effective date of any fuel oil ration order issued by the Office of Price Administration, any person accepting delivery of fuel oil pursuant to this paragraph shall surrender to such supplier coupons equal in gallonage value to the number of gallons of fuel oil so delivered. Any supplier who makes delivery pursuant to this paragraph shall keep a record of such delivery, showing the name and address of the premises to which delivery was made, the name and address of the purchaser, and the date and amount of the delivery. Within twenty (20) days after the effective date of any fuel oil ration order issued by the Office of Price Administration, such sup-

plier shall surrender to the regional office of the Office of Price Administration having jurisdiction over the area in which he does business, all coupons received by him representing deliveries made between October 1, 1942, and the effective date of such order; at the time of surrendering such coupon he shall also report to such office the name and address of each person who has failed to surrender coupons to him as required by this paragraph, the amount of fuel oil delivered to such person and the address of the premises to which such delivery was made.

(6) The provisions of subparagraphs (2), (3), (4) and (5) of this paragraph (c) shall not apply to, and shall not limit, the quantity of deliveries of fuel oil for use in the operation of equipment used in connection with agricultural or industrial processes, or research operations, requiring temperature control.

(7) *For use in the operation of additional facilities or converted facilities.* Within Areas One, Two and Three no supplier shall deliver or cause to be delivered and no person shall accept delivery of fuel oil for use in the operation of additional facilities or facilities converted from other fuel to fuel oil, except:

(i) Where, in the case of new construction, the additional facilities were specified in the construction contract and the foundation under the main part of the structure in which the additional facilities were to be installed was completed, in Areas One and Three prior to April 13, 1942, or in Area Two prior to June 15, 1942: *Provided*, That the replacement of wornout parts shall not be deemed to be the installation of additional facilities when the existing equipment is not adaptable to the use of other fuels;

(ii) Where, in the case of facilities converted from other fuel to fuel oil, such conversion has been completed in Areas One and Three prior to March 24, 1942, or in Area Two prior to June 1, 1942.

Provided, That deliveries of fuel oil may be made by any supplier to any person for the operation of equipment or facilities specified in this paragraph in any case where such person cannot use a fuel other than fuel oil, electricity, natural gas, or mixed natural and manufactured gas, either because any such substitute fuel is not available or because technical utilization factors prevent its use.

2. Section 1115.1 *Limitation Order L-56*, as amended, Exhibit B is hereby added, to read as follows:

EXHIBIT B

Area Four. The States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

(c) *Effective date.* This amendment shall take effect immediately upon issuance and shall remain in effect until re-

voked by the Director General for Operations.

Issued this 15th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9150; Filed, September 16, 1942;
10:29 a. m.]

PART 1037—COCOANUT OIL, BABASSU OIL, PALM KERNEL OIL AND OTHER HIGH LAURIC ACID OILS

[Supplementary Order M-60-a]

§ 1037.2 *Supplementary Order M-60-a—(a) Definitions.* For the purposes of this supplementary order:

(1) "Inventory" of a person means the cocoanut, babassu and palm kernel oils and oil bearing materials owned by such person or by his affiliates or subsidiaries, excluding:

(i) Purchases for future delivery to him;

(ii) Oils and materials which are not in the United States; and

(iii) Oils and materials set aside pursuant to paragraph (d) of § 1037.1 (General Preference Order M-60).¹

(2) "Cocoanut, babassu and palm kernel oils" means crude, refined, bleached, or deodorized cocoanut, babassu and palm kernel oils and the content of such oils in mixtures, blends, fatty acids and soap stocks of which such oils are a part, as well as the fatty acids of such oils in mixtures or blends of fatty acids and soap stocks.

(3) "Oil bearing materials" means copra and other seeds and nuts from which cocoanut, babassu and palm kernel oils are obtained.

(4) "Import" means physical discharge from a vessel at a continental United States port or arrival in the continental United States by rail or otherwise.

(b) *Withholdings of cocoanut, babassu, and palm kernel oils.* In addition to the amount of oils required to be set aside pursuant to paragraph (d) of § 1037.1 (General Preference Order M-60):

(1) Each person who at the close of business on the date of issuance hereof had an inventory of cocoanut, babassu and palm kernel oils, in the form of oil or contained in oil bearing materials, of 240,000 lbs. or more, by weight of oil, shall set aside and hold intact 25% of such inventory.

(2) In addition, each person who, after the date of issuance hereof, shall import cocoanut, babassu or palm kernel oils, in the form of oil or contained in oil bearing materials, shall set aside and hold intact 25% of such imports.

(3) No person shall use, put in process, sell or deliver all or any part of the inventory or imports required to be set aside and held intact pursuant to paragraphs (b) (1) and (b) (2) hereof, except on the express instructions of the Director General for Operations, or as provided in paragraphs (b) (4), (b) (5) and (b) (6) hereof.

(4) Notwithstanding the provisions of paragraphs (b) (2) and (b) (3) hereof,

any consignee of cocoanut, babassu and palm kernel oil and oil bearing materials imported into the United States after the date of issuance hereof, may deliver all of such oil or oil bearing materials to any person who contracted to purchase such oil prior to its importation. The person receiving such oil or oil-bearing materials shall reserve 25% thereof as provided in paragraph (b) (2).

(5) Nothing contained in paragraphs (b) (1), (b) (2) and (b) (3) hereof shall prevent any person from selling all or any part of his reserved oils to Commodity Credit Corporation.

(6) Oil required to be set aside shall be reserved, insofar as possible, in the form of crude whole oil; if the oil reserved cannot be set aside in the form of crude whole oil, it shall be set aside in the form of refined, bleached, or deodorized whole oil which has not been further processed by pressing or hydrogenation. Holders of oil bearing materials who do not have sufficient crude whole oil or refined oil as heretofore described shall crush (or have crushed) sufficient oil bearing materials to furnish the necessary reserve in the form of crude oil.

(c) *Relation to other order.* Nothing in this order shall be deemed to supersede any of the provisions of General Imports Order No. M-63, as amended.²

(d) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the War Production Board Priorities Regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C., Ref: M-60-a.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9156; Filed, September 16, 1942;
11:16 a. m.]

PART 1084—CANNED FOODS
[Amendment 1 to Conservation Order M-172]

IMPORTED CANNED BEEF

Paragraph (c) (5) of § 1084.10 Conservation Order M-172¹ is hereby amended to read as follows:

(5) If any imported canned beef set aside for the requirements of Government Agencies has not been purchased within 60 days after the mailing or filing of the report prescribed in paragraph (c) (4), the person who mailed or filed such report may notify the War Production Board in writing that if such imported canned beef is not purchased within 60 days he will no longer hold it set aside. If any of such imported canned beef is not purchased within 60 days after the mailing or filing of such notice, and if no further order is issued with respect to it, it shall be deemed released and shall be available for unrestricted sale and distribution.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of September 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-9157; Filed, September 16, 1942;
11:16 a. m.]

PART 1091—CORUNDUM
[General Preference Order M-89 as Amended
September 16, 1942]

Section 1091.1 General Preference Order M-89² is hereby amended to read as follows:

§ 1091.1 General Preference Order M-89—(a) *Definitions.* For the purposes of this order:

(1) "Corundum" means naturally occurring crystalline anhydrous aluminum oxide suitable for abrasive use and unbonded. "Corundum" includes ores of corundum, the abrasive grains made therefrom, and corundum superfine flours, ordinarily spoken of as optical emery. Natural emery, sapphire, and ruby are not included.

(2) "Supplier" means any person who imports corundum, who produces corundum grain or superfine flours, or who offers corundum for sale.

(3) "Consumer" means any person who uses or consumes corundum by incorporating it physically into a product or who uses or consumes corundum in the form of grain, powder, or flour in any grinding, polishing, or fabricating process other than grinding of spectacle lenses (ophthalmic).

(b) *Restrictions on delivery and use.* No supplier shall make delivery of corundum except as authorized by the Director General for Operations. The Director will from time to time allocate the sup-

ply of corundum and specifically direct the manner and quantities in which deliveries to or by particular persons or for particular uses shall be made or withheld. He may also direct, limit, or prohibit deliveries, withdrawals from inventories, and particular uses of corundum in the hands of consumers. Such allocations and directions will be made to insure the satisfaction of defense requirements of the United States, both direct and indirect, and they may be made, in the discretion of the Director General for Operations, without regard to any preference ratings assigned to particular contracts or purchase orders. The Director may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in operation so that it may be able to fulfill defense orders and essential civilian requirements.

(c) *Reports.* On or before the 10th day of each calendar month, each supplier of corundum ore or grain shall file with the War Production Board, in quadruplicate, Form PD-293. On or before the 28th day of each calendar month, each supplier of corundum superfine flours shall file with the War Production Board, in quadruplicate, Form PD-293A. On or before the 10th day of each calendar month, each consumer of corundum grain shall file with the War Production Board, in duplicate, Form PD-294. Each consumer desiring a delivery of corundum superfine flours shall file application therefor with the War Production Board, in duplicate, upon Form PD-294A.

(d) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(2) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Branch, Washington, D. C. Ref: M-89.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9158; Filed, September 16, 1942;
11:16 a. m.]

¹ 7 F.R. 4199, 4404, 4878, 5638, 6521, 6737, 7089.

² 7 F.R. 4649.

² 7 F.R. 903.

PART 1191—COFFEE

[Amendment 4 to Conservation Order M-135]

Paragraph (dd) (1) of § 1191.1 Conservation Order M-135¹ is hereby amended to read as follows:

(1) Except as permitted in paragraph (dd) (2) below, no person shall knowingly deliver green coffee to any roaster, and no roaster shall accept delivery thereof, if such roaster's inventory of green and roasted coffee is, or will by virtue of such acceptance become, in excess of a three-months' supply (which, for the purposes of this order, shall be computed during any month by multiplying by three such roaster's quota for that month under paragraph (d) (1) above and increasing the resultant figure by 19% to allow for shrinkage).

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9159; Filed, September 16, 1942;
11:16 a. m.]

PART 1259—METAL DOORS, METAL DOOR FRAMES AND METAL SHUTTERS

[Limitation Order L-142]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron, steel and other metals for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national war effort:

§ 1259.1 General Limitation Order L-142—(a) Definitions. For the purposes of this order:

(1) "Door" means a movable closure or barrier in an opening designed to be used as a means of passage or access in the side, floor, ceiling or partition of a building, shaft or tower.

(2) "Metal door" means any door which, exclusive of essential hardware, is made in whole or in part of metal.

(3) "Metal door frame" means any framework, jamb, buck or trim which, exclusive of essential hardware, is made in whole or in part of metal and is designed to be used for bounding a door opening or providing a means of support for a door.

(4) "Metal shutter" means a cover (other than a window or a window shutter) which, exclusive of essential hardware, is made in whole or in part of metal, and is designed to be used as a means of closure in or over an opening constructed in the side, floor, ceiling

or partition of a building, shaft or tower for the admission of light and air.

(5) "Essential hardware" means hangers, tracks, screws, nails, rivets, bolts, wire, locks, knobs, handles and other types of metal items normally used in the manufacture, joining or installation of a wooden door, buck, trim, jamb or shutter.

(b) *Restrictions.* (1) Notwithstanding any contract or agreement, no person shall manufacture, fabricate or otherwise make a metal door, metal door frame or a metal shutter except:

(i) To be used in an airplane hangar when such metal door, metal door frame or metal shutter is designed and constructed for such use;

(ii) To be used for fire protection purposes pursuant to an order or contract bearing a preference rating and then only if constructed of ferrous metal which metal shall not exceed Number 24, U. S. standard gauge, provided that the total weight of metal in such metal door, metal door frame or metal shutter shall not exceed by more than ten (10) percent the minimum total weight of metal called for by the specifications of the National Board of Fire Underwriters for fire protection purposes in the construction and installation of the lightest weight metal door, metal door frame or metal shutter permitted by such requirements in the site within the building, shaft or tower of such door, door frame or shutter;

(iii) Pursuant to an order or contract received on or before the date of issuance of this order, provided that:

(a) The order or contract identified the building or building project in which such metal door, metal door frame or metal shutter will be installed, and

(b) The contract for the construction of such building or building project has been executed prior to the date of issuance of this order, and

(c) Such building or building project has been assigned a preference rating, regardless of whether or not such preference rating has been extended to the order or contract for the purchase of such metal door, metal door frame or metal shutter, and

(d) Such metal door, metal door frame or metal shutter is completed within forty-five (45) days after the date of issuance of this order;

(iv) To be used for repair and maintenance purposes when a preference rating of A-10 or better has been assigned to the order or contract calling for such metal door, metal door frame or metal shutter.

(c) *Applicability of other orders.* Insofar as any other order issued by the Director General for Operations, or to be issued by him hereafter, limits the use of any material to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein,

but nothing in this order shall supersede the directive for War Time Construction, dated May 20, 1942, issued by the Chairman of the War Production Board, the Secretary of War, and the Secretary of the Navy or the "List of Prohibited Items for Construction Work", dated June 29, 1942, issued by the Army and Navy Munitions Board, as amended from time to time.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each person to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries, of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may apply for relief by addressing a letter to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(j) *Routing of correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Building Materials Branch, Washington, D. C., Ref: L-142.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9160; Filed, September 16, 1942;
11:17 a. m.]

¹ 7 F.R. 3114, 3445, 4451, 4841.

Chapter XI—Office of Price Administration

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Amendment 5 to Maximum Price Regulation 169¹]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Redesignated: § 1364.52 (e) as § 1364.52 (i); § 1364.52 (f) as § 1364.52 (i); § 1364.52 (g) as § 1364.52 (m); § 1364.52 (h) as § 1364.52 (f); § 1364.57 (b) as § 1364.52 (e); § 1364.53 (c) (2) as § 1364.53 (c) (2) (i); § 1364.57 (a) as § 1364.57.

Amended: § 1364.51; Introductory text of § 1364.52; redesignated § 1364.52 (e); redesignated § 1364.52 (i); § 1364.53 (a) (1); § 1364.53 (a) (2); redesignated § 1364.53 (c) (2) (i).

Added: § 1364.52 (g); § 1364.52 (h); § 1364.52 (j); § 1364.52 (k); § 1364.53 (c) (2) (ii); § 1364.53 (c) (2) (iii); § 1364.62 (a) (12); § 1364.67.

§ 1364.51 Prohibition against selling beef or veal carcasses, wholesale cuts or slaughtering services at prices above the maximum. On and after July 13, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any beef or veal carcass or wholesale cut, or sell any slaughtering service, and no person in the course of trade or business shall buy or receive any beef or veal carcass or wholesale cut or slaughtering service at a price higher than the maximum price permitted by § 1364.52. The provisions of this section shall not be applicable to sales or deliveries of beef or veal carcasses or wholesale cuts to a purchaser if, prior to July 13, 1942, such carcasses or wholesale cuts have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1364.52 Maximum prices for beef and veal carcasses and wholesale cuts. Except as provided by paragraphs (d), (f), (g), (h), and (i) of this section, each seller's maximum prices for beef and veal carcasses and wholesale cuts which are shipped otherwise than via car route or by carload shall be computed as provided by paragraph (a) of this section; his maximum prices for such carcasses or cuts shipped via car route shall be computed as provided by paragraph (b) of this section; and his maximum prices for such carcasses or cuts shipped by carload shall be computed as provided by paragraph (c) of this section. Maximum prices for slaughtering services are limited by paragraph (e). Maximum prices for carcasses or cuts which cannot be determined under paragraphs (a), (b), or (c) shall be computed as provided in paragraph (i). Maximum prices for

carcasses or cuts which cannot be determined under paragraph (a) or (i) shall be determined pursuant to paragraph (j). Maximum prices for carcasses or cuts which cannot be determined under paragraph (c) or (i) shall be computed pursuant to paragraph (k). Each seller shall report to the Office of Price Administration, his maximum prices as provided in paragraph (m).

(e) **Maximum prices for slaughtering services.** Any person who slaughters cattle or calves as a service for the purchaser of such cattle or calves shall remit to such purchaser an amount sufficient to make the cost of the dressed carcass, or of the wholesale cuts derived therefrom, to such purchaser equal to or less than the costs which would be incurred by the purchaser if he purchased the carcass or cuts from the slaughterer at the slaughterer's maximum prices therefor: *Provided*, That this requirement shall not apply in cases where the purchaser does not acquire the carcasses or cuts for resale in any form; nor until December 15, 1942, in cases where the cattle or calves slaughtered are certified to be club cattle or calves within the meaning of this Maximum Price Regulation No. 169 by the sworn certificate of the supervisor, club agent, agricultural county agent, or vocational agricultural project teacher, as the case may be, and where the carcasses derived therefrom have been graded and grade marked in accordance with the grade specifications and grade marking requirements contained in this Maximum Price Regulation No. 169 by an official grader of the United States Department of Agriculture. The original of such certificate shall be retained by the purchaser and a copy shall be retained by the official grader. If the slaughterer sold no carcass or cut of the relevant grade during the base period March 16 to March 28, 1942, his maximum prices, within the meaning of this paragraph, for a carcass or wholesale cuts of such grade shall be the maximum prices of the most nearly competitive seller who sold a carcass or wholesale cuts of such grade during the base period. To enable the slaughterer to determine the amount to be remitted to the purchaser, it shall be the duty of such purchaser to advise the slaughterer of the amount paid for the cattle or calves slaughtered.

(f) **Adjustment of maximum prices for products sold to certain governmental agencies to include certain special charges** *

(g) **Maximum prices for federally inspected products of choice grade.** The maximum price of each beef or veal carcass or wholesale cut which has been graded choice by an official grader of the United States Department of Agriculture and which bears the appropriate official grade mark and identification of such official grader at the time of sale or delivery shall be $\frac{1}{4}$ cent per pound higher than the maximum price computed for such grade of beef or veal carcass or wholesale cut pursuant to paragraphs

(a), (b), (c), or (d) of this section, except that this paragraph shall not apply in any instance where a maximum price is derived under paragraph (i) from the most nearly competitive seller who has computed maximum prices in accordance with this paragraph.

(h) **Adjustment of maximum prices.** In the event that any maximum price computed pursuant to paragraphs (a), (b), or (c) of this section results in a price containing a fraction of a cent which fraction is indivisible exactly into eighths, the seller shall adjust such maximum price to the nearest eighth of a cent.

(i) **Maximum prices which cannot be priced under the foregoing paragraphs.** Except as provided in paragraph (l) of this section, if the maximum price for any grade of any beef or veal carcass or wholesale cut cannot be determined under paragraphs (a), (b), or (c) of this section, the maximum price for such carcass or cut shall be the maximum price of the most nearly competitive seller.

(j) **Maximum prices for products which cannot be priced under paragraphs (a) or (i).** If the maximum price for any beef or veal carcass or wholesale cut cannot be determined under paragraphs (a) or (i) of this section, the seller shall apply to the Office of Price Administration, Washington, D. C., for authorization to establish a maximum price, setting forth in such sworn application a detailed description of the grade, sex, and kind of carcass or wholesale cut for which a price is sought, including, where appropriate: a description of the manner and style of cutting and the nature and degree of processing; the maximum prices, if any, established for the sale by the seller of other grades of carcass or of the same wholesale cut; the manner in which the wholesale cut differs from the most similar wholesale cut for which a maximum price is established, and the maximum price for such cut; the costs of any of the operations which are added to or eliminated from the cutting or processing of the most similar wholesale cut; a statement of the reasons why the new manner of cutting or processing is being undertaken; a statement of the price requested, and the method by which the requested price was arrived at. Authorization to establish a maximum price for such carcass or wholesale cut will be accompanied by instructions as to the method for determining the maximum price. Within 10 days after such price has been determined, the seller shall report the price to the Office of Price Administration, Washington, D. C., under oath or affirmation. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(k) **Maximum prices for products which cannot be priced under paragraphs (c) or (i).** Except as provided in paragraph (l) of this section, if the maximum price for any grade of any beef or veal carcass or wholesale cut shipped by carload cannot be determined under paragraph (i) of this section, the maxi-

*Copies may be obtained from the Office of Price Administration.

¹7 F.R. 4453, 5222, 5426, 5868.

mum price, f. o. b. the seller's shipping point for each grade of each beef or veal carcass sold for carload delivery shall be determined by subtracting $\frac{1}{2}$ cent per pound from the seller's maximum price for such grade of carcass or wholesale cut as determined pursuant to paragraph (a) of this section, or as determined pursuant to paragraph (i) or (j) in lieu of paragraph (a) if such maximum price cannot be determined pursuant to paragraph (a).

(1) *Maximum prices for products sold for export.* * * *

(m) *Duty to report maximum prices and adhere to reported prices.* * * *

§ 1364.53 *Duty to maintain and identify grades.* * * *

(a) *Uniform grades.* (1) Beef carcasses and wholesale cuts derived from steers and heifers shall be graded into the following uniform grades: Choice, good, commercial, utility, and cutter and canner. Beef carcasses and wholesale cuts derived from cows shall be graded in the same manner, except that no such carcass or cut shall be graded choice. In determining the grade of each such carcass or cut, the seller shall use the "Specifications for Official United States Standards for Grades of Carcass Beef" set forth in Appendix A hereof, and incorporated herein as § 1364.64, except that the specifications therein for the two grades, cutter and canner, shall be combined and treated as a single grade, and the specifications therein for the two grades, prime and choice, shall be combined and treated as a single grade, choice, the carcasses and wholesale cuts of which shall be graded in the manner hereinafter provided in paragraph (c) (2).

(2) Veal and calf carcasses and wholesale cuts shall be graded into the following uniform grades: choice, good, commercial, utility and culls. In determining the grade of each such carcass or cut, the seller shall use the "Specifications for Official United States Standards for Grades of Veal and Calf Carcasses" set forth in Appendix B hereof, and incorporated herein as § 1364.65, except that the specifications therein for the two grades, prime and choice, shall be combined and treated as a single grade, choice, the carcasses and wholesale cuts of which shall be graded in the manner hereinafter provided in paragraph (c) (2).

* * * * *

(c) * * * * *

(2) (i) The appropriate grade letter for each uniform grade shall be as follows:

Grade:	Grade letter
Choice	AA
Good	A
Commercial	B
Utility	C

The grade letter shall be at least $\frac{1}{2}$ inch in height and width. Carcasses or cuts graded as canners and cutters, or culls, need not be stamped. In marking any beef or veal carcass determined by an official grader of the United States De-

partment of Agriculture to conform to the specifications contained in this Maximum Price Regulation No. 169, such official grader may use the grade designations U. S. Choice or Choice, U. S. Good or Good, U. S. Commercial or Commercial, or U. S. Utility or Utility, whichever is appropriate, in lieu of the grade letters established in this subparagraph.

(ii) No person shall sell or break any beef or veal carcass of the grade choice, unless such carcass has been inspected and graded by an official grader or the United States Department of Agriculture in accordance with the "Rules and Regulations of the Secretary of Agriculture Governing the Grading and Certification of Meats, etc.", as modified by the Office of Price Administration to the extent set forth in Appendix D hereof, and thus incorporated herein as § 1364.67, and unless a stamp has been placed upon such carcass by such official grader in the manner set forth in paragraph (c) (1) herein: *Provided*, That in any instance where any person is unable to procure the services of an official grader within 24 hours after such person has made an application for grading, pursuant to section 3 of Regulation No. 4 (Grading Service) contained in § 1364.67 hereof, then the provisions of this subparagraph shall not apply for so long a period as the Agricultural Marketing Administration of the United States Department of Agriculture certifies in writing that it is unable to provide such person with the services of an official grader. During such period such beef or veal carcasses shall be graded in the manner provided by paragraph (c) (1).

(iii) Whenever any person having a financial interest in any beef or veal carcass which has been graded and grade-marked by an official grader pursuant to subdivision (ii) hereof or otherwise, is dissatisfied with the determination of such official grader, such person may appeal the grading and grade marking by making an application for appeal grading in the manner provided in Regulation No. 5 (Appeal Grading) contained in § 1364.67 hereof, and shall thereafter give immediate notice in writing to the Office of Price Administration at Washington, D. C., of such appeal.

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§ 1364.57 *Evasion.* * * *

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§ 1364.62 *Definitions.* * * *

(a) * * *

(12) "Club cattle or calves" means any cattle or calves which have been bred, raised and fed, or fed only, by a member of a 4-H club under the supervision of the Extension Service of the United States, or by an individual participating in a vocational agricultural project

¹Service and Regulatory Announcements No. 98 (Revised), Rules and Regulations of the Secretary of Agriculture Governing the Grading and Certification of Meats, Prepared Meats, Meat Food Products, and Meat By-Products for Class, Quality (Grade), and Condition, United States Department of Agriculture, Agricultural Marketing Administration, issued as Amended April 1937.

under the supervision of a vocational agricultural teacher in any recognized Vocational Agricultural Department, and which have been certified in writing to conform to the provisions hereof by the supervisor, club agent, agricultural county agent or vocational agricultural project teacher under whose supervision such cattle or calves were bred, raised or fed.

§ 1364.63 *Effective date.* * * *

(e) Amendment No. 5 (Redesignated: § 1364.52 (e) as § 1364.52 (i), § 1364.52 (f) as § 1364.52 (l), § 1364.52 (g) as § 1364.52 (m), § 1364.52 (h) as § 1364.52 (f), § 1364.57 (b) as § 1364.52 (e), § 1364.53 (c) (2) as § 1364.53 (c) (2) (i), § 1364.57 (a) as § 1364.57; Amended: § 1364.51, § 1364.52 text preceding (a), redesignated § 1364.52 (e), redesignated § 1364.52 (i), redesignated § 1364.52 (l), § 1364.53 (a) (1), § 1364.53 (a) (2), redesignated § 1364.53 (c) (2) (i); Added: § 1364.52 (g), § 1364.52 (h), § 1364.52 (j), § 1364.52 (k), § 1364.53 (c) (2) (ii), § 1364.53 (c) (2) (iii), § 1364.62 (a) (12), § 1364.67, and § 1364.63 (e)) to Maximum Price Regulation No. 169 shall become effective September 18, 1942.

* * * * *

§ 1364.67 *Appendix D: Rules and regulations of the Secretary of Agriculture governing the grading and certification of meats for class, quality (grade), and condition.*

REGULATION 1. DEFINITIONS

Section 1. Words in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

Section 2. For the purpose of these regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean—

Par. 1. *Secretary.* Secretary or Acting Secretary of Agriculture of the United States.

Par. 2. *Bureau.* Bureau of Agricultural Economics of the United States Department of Agriculture.

Par. 3. *Official grader.* Employee of the Department of Agriculture or other person authorized by the Secretary to investigate and certify to shippers and other interested parties the class, quality, grade, and condition of products under the act.

Par. 4. *Office of grading.* The office of an official grader of products covered by these regulations.

Par. 5. *Grading certificate.* Certificate of the class, quality (grade), and condition of products issued by an official grader under the act.

Par. 6. *Interested party.* Anyone having a financial interest in the products involved, including the shipper, the receiver, or the carrier, or any authorized person in behalf of such party.

Par. 7. *Regulations.* Rules and regulations of the Secretary under the act.

Par. 8. *Class.* Class is a subdivision of a given commercial product based on essential physical characteristics that differentiate between major groups of the same kind or species, for instance, the classes in beef are: steer, heifer, cow, stag, and bull.

Par. 9. *Quality.* Quality in a product is a combination of its inherent properties which determines its relative degree of excellence.

Par. 10. *Condition.* Condition of a commercial product denotes those characteristics affecting its merchantability—with special

reference to state of preservation, cleanliness, soundness, wholesomeness, and fitness for human food.

Par. 11. *Grade.* Grade is the last important commercial subdivision of a product based on certain definite value and preference-determining factors, such as conformation, finish, and quality in meats.

Par. 12. *Products.* Includes carcasses and wholesale cuts.

REGULATION 4. GRADING SERVICE

Section 1. *Kind of service.* Examination, identification, and certification of products shall be made according to class, quality (grade), and condition.

Section 2. *Who may obtain service.* Application for grading may be made by any financially interested person or his authorized agent, including Federal, State, county, and municipal governments, and common carriers.

Section 3. *How to make application.* Application for grading shall be filed in the office of grading or with an official grader. It may be made in writing, orally, or by telegraph or telephone. If made orally, the official grader may require that it be confirmed in writing or by telegraph, stating the facts required by Section 4 of this regulation.

Section 4. *Form of application.* Each application for grading shall include the following information: (a) the date of application; (b) the description and location of the product to be graded; (c) the name and post office address of the applicant and of the person, if other than the applicant, making the application in his behalf; (d) the interest of the applicant (except an official of the Federal Government or a State) therein; (e) the name, post office address, and interest of all other known parties, except carriers, interested in the products involved; (f) the shipping point and destination of the product; (g) type of service desired; and (h) such other information as may be necessary for proper identification of the product or as may be required by the Chief of Bureau.

Section 5. *When application deemed filed.* An application for grading shall be deemed filed when delivered to the proper office of grading. Record showing date and time of filing shall be made in such office.

Section 6. *When application may be rejected.* Any application may be rejected by the official grader in charge of the office of grading in which it is filed for noncompliance with the act or any applicable regulation thereunder, failure to make product available for examination, abusive language or act of violence, or interference with grader while performing grading, and such official grader shall immediately notify the applicant of the reasons for such rejection.

Section 7. *Authority of agent.* Proof of the authority of any person applying for service in behalf of another may be required in the discretion of the official grader.

Section 8. *Accessibility of product.* The applicant shall cause the products for which service is requested to be made accessible for grading and to be so placed as to disclose class, quality, and condition.

Section 9. *Basis of service.* Examination, identification, and certification for class, grade, and condition shall be based upon the official or tentative standards of the Department of Agriculture as contained in this Maximum Price Regulation No. 169.

Section 10. *Order of grading.* Service shall be rendered in the order in which applications are received, except that precedence may be given to applications made by another branch of the Federal Government, a State, or a municipality, and appeal grading.

Section 11. *Financial interest of official grader.* No official grader shall grade any products in which he is directly or indirectly financially interested.

Section 12. *Investigation on motion of graders.* A grader may of his own motion and without the use of any force, when authorized by the Chief of the Bureau, investigate the class, quality (grade), and condition of any products at such points as are provided under regulation 3, and may issue and transmit to the shipper of such products and other parties interested therein certificates or copies thereof showing the results of such investigations.

Section 13. *Certificate, form of.* Certificates shall include the following information: (1) the number of the certificate; (2) name of designated market and place of grading; (3) date and time of grading; (4) names and addresses of applicant, party in possession, and shipper and buyer, if known; (5) exact number of carcasses, sides, quarters, cuts, and packages of products by classes and grades examined, if graded; (6) if previously examined, reference to previous certificate by number; (7) if rejected or not graded, reason for rejecting or not grading; (8) for purposes of identification, the weight of each class, grade, and lot; (9) the amount of fees and expenses; (10) name of official grader or graders; (11) additional facts necessary to fully describe condition, class, and grade, or as may be required by the Chief of Bureau.

Section 14. *Certificates, issuance.* The official grader shall sign and issue certificates covering lots of products personally graded by him unless through special arrangements approved by the Chief of Bureau this be not required, in which case complete records of the grading shall be furnished the Bureau; but in no case shall any grader sign a certificate covering any product not graded by him. Graders shall stamp, brand, tag, label, seal, or otherwise identify or supervise the stamping, branding, tagging, labeling, sealing, or otherwise identifying of each unit of product or package or container thereof with its class and quality (grade) as far as practicable, or the applicant may issue, when authorized by the Chief of the Bureau, certificates of quality of such forms as are approved by the Chief of the Bureau, the certificates of quality issued by the applicant to be used only by the applicant in such manner and for such purpose as is approved by the Chief of the Bureau.

Section 15. *Disposition of certificates.* The original certificate, and not to exceed two copies if requested, upon issuance shall be immediately delivered or mailed to the applicant or a person designated by him. One copy shall be filed in the office of the official grader and one copy forwarded to the Chief of Bureau. Copies will be furnished to other financially interested parties as outlined in regulation 7, section 1, paragraph 6.

Section 16. *Advance information.* Upon request of an applicant, all or any part of the contents of the certificate may be telegraphed, telephoned, or radioed to him, or to any person designated by him, at his expense.

REGULATION 5. APPEAL GRADING

Section 1. *When appeal may be taken.* An application for appeal grading may be made whenever any financially interested party is dissatisfied with the determination stated in the original certificate.

Section 2. *How to obtain.* Appeal grading may be obtained by the applicant or other person financially interested in the product by filing a request for such appeal grading (a) with the official in charge of the meat grading service at nearest designated market, or (b) with the grader who did the original

grading, or (c) with the Chief of the Bureau. The application for appeal shall state the reasons therefor, and may be accompanied by a copy of any previous grading certificate or report, or any other information which the applicant shall have received regarding the product at the time of the original grading. Such application may be made in writing or orally, by telegraph, telephone, or otherwise. If made orally, the person receiving the application may require that it be confirmed in writing.

Section 3. *Record of filing time.* A record showing the date and time of filing such application shall be immediately made by the receiver thereof.

Section 4. *When appeal may be refused.* If it shall appear that the reasons stated in an application for appeal grading are frivolous or unsubstantial, or that the quality or condition of the products has undergone a material change since the original grading, or that the products cannot be made accessible for thorough grading, or that the identity has been lost, or that these regulations have not been complied with, the application may be denied.

Section 5. *When appeal may be withdrawn.* An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading has been performed upon payment of any expenses incurred in connection therewith.

Section 6. *When second grading is not an appeal.* Gradings requested to determine factors of quality or condition which may have undergone material change since the original grading shall not be considered appeal gradings within the meaning of this regulation. Second grading, requested for the purpose of securing an up-to-date certificate and not involving any question as to the correctness of the original certificate covering the lot in question, shall not be considered appeal grading within the meaning of this regulation.

Section 7. *Order in which made.* Appeal gradings shall be performed as far as practicable at time requested by applicant and in the order in which applications are received. They shall take precedence over all other pending applications.

Section 8. *Who shall pass upon appeals.* Appeal grading shall be passed upon by official graders designated therefor by the Chief of Bureau, and such grading shall be conducted jointly by two official graders when practicable. No appeal grader shall pass upon an application involving the correctness of a certificate issued by him.

Section 9. *Appeal findings.* Immediately after an appeal grading has been made a certificate designated as "appeal grading certificate" shall be signed and issued referring specifically to the original certificate and stating the quality and condition of the product as shown by the appeal grading. In all other respects the provisions of regulation 4 shall apply to such appeal grading certificates except that if the applicant for appeal grading be not the original applicant, a copy of the appeal grading certificate shall be mailed to the original applicant.

Section 10. *Superseded certificates.* When a grading certificate shall have been superseded under these regulations by an appeal grading certificate such grading certificate shall become null and void and shall not thereafter represent the class, quality, or condition of the product described therein. If the original and all copies of the superseded certificate are not delivered to the person with whom the application for appeal grading is filed, the officer or officers issuing the appeal grading certificate shall forward notice of such issuance and of the cancellation of the original certificate to such persons as he con-

siders necessary to prevent fraudulent use of the canceled certificate.

REGULATION 7. FEES AND EXPENSES

Section 1. *Amount of, rates, etc.* * * * * *
 Par. 1. *Basis for charges.* Fees and charges for grading services shall be based on the actual time required to render the services, including the time required for travel of the official grader in connection therewith, at the rate of \$2.20 per hour for each official grader assigned unless otherwise provided by special agreement approved by the Chief of the Bureau: *Provided*, That no grading services shall be rendered for less than a minimum charge of \$1: *Provided further*, That the Chief of the Bureau may, in lieu of the fixed charge of \$2.20 per hour, fix other reasonable charges for the grading and certification of products at rates, in his judgment, will cover the costs of the services.

Par. 2. *Charges by graders employed or licensed by Department of Agriculture.* Charges for services by employees of the Department and by graders licensed by the Secretary shall be at rates established herein.

Par. 3. *Charges under cooperative agreement.* Charges for grading under cooperative agreements shall be those provided for by such agreements.

Par. 4. *For appeal grading.* Fees and charges for appeal grading shall be double those for original grading; except that appeal grading for Federal Government agencies shall be at actual cost; provided that when on appeal grading it is found that there was error in determination based upon the original grading equal to or exceeding 10 percent of the total weight of the products, no charge will be made unless special agreement with applicant is made in advance.

Par. 5. *For copies of grading certificates.* For not to exceed three copies of a certificate to any person financially interested in a product involved the fee shall be \$1.

Section 2. *How fee shall be paid.* Fees and other charges shall be paid by the applicant in accordance with directions on the fee bill furnished him, and in advance if required by the official grader.

Section 3. *Disposition of fees.*

Par. 1. *By graders exclusively employed by the Department.* Fees for grading done by graders exclusively employed by the Department shall be remitted to the Bureau for deposit into the Treasury as Miscellaneous Receipts.

Par. 2. *By graders under cooperative agreements.* Fees for grading done by graders acting under cooperative agreements with a State or municipal organization, or other cooperating party, shall be disposed of in accordance with the terms of such agreements. Such portion of fees collected under cooperative agreements as may be due the United States shall be remitted to the Bureau for deposit into the Treasury.

(Pub. Law 421, 77th Cong.)

Issued this 15th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9124; Filed, September 15, 1942;
12:06 p. m.]

No. 183—3

PART 1499—COMMODITIES AND SERVICES
 [Amendment 26 to Supplementary Regulation
 1¹ to General Maximum Price Regulation]

MALTED CORN AND DRY CORN MILLING
 PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1499.26 (a) (16) is amended to read as set forth below:

§ 1499.26 *Exceptions for certain commodities, certain sales and deliveries.* (a) General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

(16) The following corn products except when packaged: malted corn and all dry corn milling products, including corn germ meal and corn germ cake.

(e) *Effective dates.* * * * * *
 (27) Amendment No. 26 (§ 1499.26 (a) (16)) to Supplementary Regulation No. 1 shall become effective September 21, 1942. (Pub. Law 421, 77th Cong.)

Issued this 15th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9125; Filed, September 15, 1942;
12:05 p. m.]

PART 1499—COMMODITIES AND SERVICES
 [Order 36 Under § 1499.18 (c) of the General
 Maximum Price Regulation—Docket GF-
 1522]

CERTAIN TERMINALS IN CALIFORNIA—LOADING
 AND UNLOADING SERVICES

For the reasons set forth in an opinion issued simultaneously herewith,* *It is ordered:*

§ 1499.386 *Adjustment of maximum charges for loading and unloading services rendered by the Encinal Terminals, Howard Terminal, Parr-Richmond Terminal Corporation, Golden Gate Terminals, State Terminal Company, Ltd., all in the State of California.* (a) Encinal Terminals, Howard Terminal, Parr-Richmond Terminal Corporation, Golden Gate Terminals, and State Terminal Company, Ltd., all in the State of California, may sell and perform, and any person may buy and receive from said Encinal Terminals, Howard Terminal, Parr-Richmond Terminal Corporation,

*Copies may be obtained from the Office of Price Administration.

¹7 F.R. 3158, 3488, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366, 5484, 5607, 5717, 5942, 6082, 6473, 6685, 7011.

Golden Gate Terminals, and State Terminal Company, Ltd., the following services at prices not higher than those provided for below:

LOADING AND UNLOADING OF CARS AND TRUCKS

Rates for loading and unloading cars and trucks, stated in cents per 2,000 pounds or in cents per other designated unit, including minimum rates and minimum charges, named in section V, Pages 28 to 41, Terminal Tariff No. 1, C.R.C. No. 1, Issued by H. C. Centalow, Agent, 1 Drum Street, San Francisco, California, increased as follows:

(A) 1. Rates specifically published as applying to a direct movement (a continuous operation between car or truck and vessel) are increased ten (10%) per cent;

2. Rates applicable between place of rest on terminal and car or truck are increased eleven (11%) per cent.

(B) In applying the percentages provided in section (A) hereof, extensions will be carried to the tenth of a cent only. In the resulting rate, fractions of less than five-tenths of a cent (0.5¢) will be dropped; fractions of five-tenths of a cent (0.5¢) or greater will be increased to the next whole cent.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 36 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 36 (§ 1499.386) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 36 (§ 1499.386) shall become effective September 16, 1942. (Pub. Law 421, 77th Cong.)

Issued this 15th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9126; Filed, September 15, 1942;
12:05 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 38 Under § 1499.18 (c) of General
 Maximum Price Regulation—Docket GF-
 635P]

FARMERS FEED CO. OF N. Y.

For the reasons set forth in an opinion issued simultaneously herewith, *it is ordered:*

§ 1499.388 *Adjustment of maximum prices for sales of brewers' wet grains to Farmers Feed Company of New York.* (a) Farmers Feed Company of New York, 532 East 76 Street, New York City, may buy and receive and any person may sell and deliver to said company brewers' wet grains at prices not higher than those set forth below:

For deliveries from March 1 to September 30 inclusive \$0.03 per bushel.

For deliveries from October 1 to February 28 inclusive \$0.03½ per bushel.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 38 shall be revoked or amended by the Price Administrator at any time.

(d) This Order No. 38 (§ 1499.388) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 38 (§ 1499.388) shall become effective September 16th 1942. (Pub. Law 421, 77th Cong.)

Issued this 15th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9127; Filed, September 15, 1942;
12:04 p. m.]

PART 1316—COTTON TEXTILES

[Amendment 7 to Revised Price Schedule 35¹]

CARDED GREY AND COLORED-YARN COTTON
GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1316.61 (c) (5) is amended by adding thereto the item set forth below:

§ 1316.61 Appendix A: Maximum prices for cotton goods. * * *

(c) * * *

(5) * * *

Premium allowable
(cents per yard)

United States Army Specifications
where such products require synthetic resin coated sheetings or
print cloths. * * *

to read "last 6 months of 1941." In § 1372.112 a new paragraph (i) is added, and a new § 1372.111a is added, as set forth below:

§ 1372.112 Appendix A: List of fall and winter seasonal commodities. Any commodity which falls within any of the following classifications is designated as a fall and winter seasonal commodity: * * *

(i) The following designated types of knitted fall and winter underwear and sleeping garments:

(1) Men's heavy-weight cotton knitted underwear including union suits, 9 pounds and over per dozen (weight calculated on size 42) and shirts and drawers, 7 pounds and over per dozen (weight calculated on size 42 shirts).

(2) Men's and boys' wool and part wool winter-weight knitted underwear, including union suits, shirts and drawers.

(3) Men's and boys' winter-weight rib-knitted shirts, shorts and drawers.

(4) Boys' heavy-weight cotton knitted union suits weighing 6 pounds and over per dozen (weight calculated on size 34).

(5) Women's heavy-weight knitted union suits, 6 pounds and over per dozen (weight calculated on size 38).

(6) Women's, misses' and children's heavy-weight knitted vests, pants and bloomers.

(7) Women's, misses' and children's winter-weight wool and part wool knitted underwear.

(8) Women's, misses' and children's winter-weight "snuggy" and "woolie" type knitted underwear.

(9) Children's heavy-weight knitted union suits, waist suits and combination suits, 5 pounds and over per dozen (weight calculated on size 12).

(10) Men's and women's and children's heavy-weight knitted sleeping garments, excluding brushed rayon sleeping garments.

(11) Infants' knitted heavy-weight undergarments.

(12) Fleece-lined knitted sweat shirts.

Meaning of winter-weight and heavy weight. "Winter-weight" and "heavy-weight" each means that type of knitted underwear garment or knitted sleeping garment which is regularly and customarily produced by manufacturers thereof for use during the fall and winter season, and of which type of garment the manufacturer delivered at least 85% of his 1941 production from June 1, 1941 to December 31, 1941.

§ 1372.111a Effective dates of amendments. (a) Amendment No. 1 (§§ 1372.102 (b) (3), 1372.112 (i) and 1372.111a) to Maximum Price Regulation No. 210 is effective as to § 1372.102 (b) (3) as of August 31, 1942, and shall become effective as to § 1372.112 (i) on September 21, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 15th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9139; Filed, September 15, 1942;
5:20 p. m.]

PART 1372—SEASONAL COMMODITIES

[Amendment 1 to Maximum Price
Regulation 210²]

RETAIL AND WHOLESALE PRICES FOR FALL AND
WINTER SEASONAL COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1372.102 (b) (3) the phrase "last 6 months of 1942," in Rule 2, is amended

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 1270, 1836, 2132, 2738, 2795, 3060, 3164, 3447, 3900, 6640.

² 7 F.R. 6789, 7173.

PART 1389—APPAREL

[Maximum Price Regulation 221]

MANUFACTURERS' PRICES FOR FALL AND
WINTER KNITTED UNDERWEAR

In the judgment of the Price Administrator it is necessary and proper to establish prices for fall and winter underwear which differ in some respect from the maximum prices established by the General Maximum Price Regulation.¹ The prices established by the following regulation, in the judgment of the Price Administrator, are fair and equitable, and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the said Act, and in accordance with Procedural Regulation No. 1² issued by the Office of Price Administration, Maximum Price Regulation No. 221 is hereby issued.

Sec.

1389.301 Prohibition against dealing in fall and winter knitted underwear above maximum prices.

1389.302 Maximum prices for manufacturers of fall and winter knitted underwear.

1389.303 Maximum prices for fall and winter knitted underwear which cannot be priced under § 1389.302.

1389.304 Sales at less than maximum prices.

1389.305 Incorporation of provisions of General Maximum Price Regulation.

1389.306 Relation between Maximum Price Regulation No. 221 and other maximum price regulations.

1389.307 Statement and report required to be filed.

1389.308 Information to be supplied to purchaser.

1389.309 Disclosure of maximum prices.

1389.310 Evasion.

1389.311 Enforcement.

1389.312 Definitions incorporated by reference.

1389.313 Effective date.

1389.314 Appendix A: What is meant by fall and winter knitted underwear.

AUTHORITY: §§ 1389.301 to 1389.314, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1389.301 Prohibition against dealing in fall and winter knitted underwear above maximum prices. On and after September 15, 1942, regardless of any contract or other obligation:

(a) No manufacturer shall sell or deliver any garment of fall and winter knitted underwear (defined in § 1389.314) at a price higher than the maximum price established by this Maximum Price Regulation No. 221.

(b) No person in the course of trade or business shall buy or receive, from any manufacturer, any garment of fall and winter knitted underwear at a price higher than the maximum price established by this Maximum Price Regulation No. 221.

¹ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5605, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939.

² 7 F.R. 5486.

(c) No person shall agree, offer, solicit or attempt to do any of the acts prohibited in paragraphs (a) and (b).

§ 1389.302 *Maximum prices for manufacturers of fall and winter knitted underwear*—(a) *How a manufacturer establishes his maximum price.* Subject to the provisions of paragraphs (b) and (c) of this section, a manufacturer's maximum price to purchasers of the same class for any garment of fall and winter knitted underwear shall be established as follows:

(1) The manufacturer's maximum price shall be the highest price at which the manufacturer sold by written order or contract the same garment of fall and winter knitted underwear after November 30, 1941 and before February 10, 1942; or

(2) If the manufacturer did not sell by written order or contract, after November 30, 1941 and before February 10, 1942, the same garment of fall and winter knitted underwear, the maximum price for such garment shall be the price at which the same garment was first offered in the manufacturer's written or printed price list for the fall and winter season of 1942 which was distributed generally to the customers or prospective customers of the manufacturer on or before February 10, 1942; or

(3) If the manufacturer cannot establish a maximum price for any garment of fall and winter knitted underwear under paragraphs (a) (1) or (2) of this section, then the manufacturer's maximum price shall be 105% of the price at which the same garment was offered in the manufacturer's written or printed price list for the fall and winter season of 1941 which was in effect on July 15, 1941 and which was distributed generally to customers or prospective customers of the manufacturer.

(b) *Discounts.* No manufacturer shall allow to any purchaser less than the discounts, allowances, and price differentials which the seller customarily allowed to such purchaser from July 15, 1941 to February 10, 1942. In the event that purchaser did not buy from the manufacturer from July 15, 1941 to February 10, 1942 the manufacturer shall allow to the purchaser no less than the discounts, allowances, and price differentials which the manufacturer customarily allowed to purchasers of the same class from July 15, 1941 to February 10, 1942.

(c) *Adjustment to nearest multiple of 2½ cents.* The maximum prices established by this Maximum Price Regulation No. 221 shall be adjusted to the nearest multiple of 2½ cents per dozen garments.

(d) *Meaning of terms.* For the purposes of this Maximum Price Regulation No. 221 the following definitions shall apply:

(1) *Same garments.* A garment is the same as another garment with which it is compared if both garments have all of the following common characteristics:

(i) They are of the same specific classification and size as provided by the United States Department of Commerce, Commercial Standard CS 33-32;

(ii) They have the same average finished weight for comparable size, within a tolerance of 3%;

(iii) They are knitted from the same kinds of yarn (for example, carded, combed, blended or processed staple fiber yarns), and with the same percentage of fibers (for example, cotton, wool or other fibers and mixtures thereof);

(iv) They have a substantially equal number of courses and needles per inch;

(v) They have construction and trimmings of substantially equal quality and serviceability;

(vi) They are constructed and finished with substantially equal standards of workmanship.

(2) *Manufacturer.* A manufacturer of any garment means a person who sells, delivers or offers for sale otherwise than at retail, that garment in a form substantially changed from the form in which he bought it.

§ 1389.303 *Maximum prices for fall and winter knitted underwear which cannot be priced under § 1389.302.* The seller's maximum price for any garment of fall and winter knitted underwear which cannot be priced under § 1389.302 shall be a maximum price in line with the level of maximum prices established by this Maximum Price Regulation No. 221 which shall be determined by the seller after specific authorization from the Office of Price Administration. A seller who seeks an authorization to determine a maximum price under the provisions of this subparagraph shall file with the Office of Price Administration, Washington, D. C., an application under oath which shall contain the following:

(a) A description in detail of the garment for which a maximum price is sought:

(b) The maximum price of the manufacturer's most nearly comparable garment and a statement of the characteristics which differentiate such garment from the garment sought to be priced.

(c) The maximum price established by the most closely competitive seller of the same class for the garments most nearly comparable to that for which a maximum price is sought, and

(d) Such other information as may be required by the Office of Price Administration.

If such authorization is given, it will be accompanied by instructions as to the method for determining the maximum price.

§ 1389.304 *Sales at less than maximum prices.* Lower prices than the maximum prices established under this Maximum Price Regulation No. 221 may be charged, demanded, paid or offered.

§ 1389.305 *Incorporation of provisions of the General Maximum Price Regulation.* § 1499.5 *Transfers of business or stock in trade.* § 1499.12 *Current records.* § 1499.14 *Sales slips and receipts.* § 1499.19 *Petitions for amendment of the General Maximum Price Regulation* and any amendments to any of the foregoing shall apply to all sales for which maximum prices are established by this Max-

imum Price Regulation No. 221, and to all persons making such sales.

§ 1389.306 *Relation of this regulation to other maximum price regulations—*

(a) *General Maximum Price Regulation.* This Maximum Price Regulation No. 221 shall apply, and the General Maximum Price Regulation shall not apply, to sales by manufacturers of fall and winter knitted underwear.

(b) *Maximum Price Regulation No. 157.*³ Maximum Price Regulation No. 157—Sales and fabrication of textiles, Apparel and Related Articles for Military Purposes—shall apply, and this Maximum Price Regulation shall not apply, to sales and deliveries for which maximum prices are established by Maximum Price Regulation No. 157.

(c) *Maximum Price Regulation No. 172.*⁴ Maximum Price Regulation No. 172—Charges of Contractors in Apparel Industry—shall apply, and this Maximum Price Regulation No. 221 shall not apply to transactions for which maximum prices are established by Maximum Price Regulation No. 172.

(d) *Export sales.* The maximum price at which a person may export fall and winter knitted underwear shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation⁵ issued by the Office of Price Administration.

§ 1389.307 *Statement and report required to be filed.* Every manufacturer who sells or offers for sale any fall and winter knitted underwear shall file with the Office of Price Administration, Washington, D. C., on or before November 15, 1942 (a) A statement which shall contain the following:

(1) The maximum price established under this Maximum Price Regulation No. 221 for each garment of fall and winter included in this regulation and a description of each such garment;

(2) If the maximum price for any garment is established pursuant to § 1389.302 (a) (1) by a written order or contract entered into after November 30, and before February 10, 1942; (i) the date of the written order or contract, (ii) the name of the purchaser, (iii) the style number and price of the garment.

(3) If the maximum price for any garment is established pursuant to this Maximum Price Regulation No. 221 by a written or printed price list; (i) the price list upon which the maximum price is established, (ii) the dates upon which such price list was distributed and effective respectively, (iii) a detailed statement of the extent to which such price list was distributed to the customers or prospective customers of the manufacturer.

(b) A report on forms to be prescribed by the Office of Price Administration containing information with regard to selling prices, garment description, method of construction, yarn content, assembly, finish, distribution and costs relating to

³ 7 F.R. 4273, 4541, 4618, 5180.

⁴ 7 F.R. 4982.

⁵ 7 F.R. 5059.

the foregoing in such detail as may be required.

§ 1389.308 *Information to be supplied to purchasers.* Every manufacturer of fall and winter knitted underwear shall by himself or through his agent or representative; on or before October 1, 1942,

(a) Notify each person who has bought from him for the fall and winter season of 1941 or 1942 any garment of fall and winter knitted underwear that the purchaser thereof is required to price that garment in accordance with the provisions of Maximum Price Regulation No. 210—Retail and Wholesale Prices for Fall and Winter Seasonal Commodities, as amended, and

(b) Supply such purchasers with the text of Amendment No. 1 to Maximum Price Regulation No. 210—Retail and Wholesale Prices for Fall and Winter Seasonal Commodities.

§ 1389.309 *Disclosure of maximum prices.* Every manufacturer selling or delivering any garment of fall and winter knitted underwear shall within ten days after receipt of a written request from any person to whom such garment shall have been sold, or delivered, disclose in writing to such person the maximum price established for such garment.

§ 1389.310 *Evasion.* The price limitation set forth in this Maximum Price Regulation No. 221 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to any garment of fall and winter knitted underwear, alone or in conjunction with any other commodity or by way of commission, service, transportation, or any other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1389.311 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 221 are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided by the Emergency Price Control Act of 1942.

§ 1389.312 *Definitions incorporated by reference.* Unless the context otherwise requires or unless otherwise specifically provided herein the definitions set forth in section 202 of the Emergency Price Control Act of 1942 and in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

§ 1389.313 *Effective date.* This maximum Price Regulation No. 221 (§§ 1389.301 to 1389.314, inclusive) shall become effective September 15, 1942.

§ 1389.314 *Appendix A: What is meant by fall and winter knitted underwear.* For the purpose of this Maximum Price Regulation No. 221 any garment belonging to any of the following categories is designated and defined as fall and winter underwear and garments which do not belong to any of the following categories are not considered fall and winter knitted underwear:

(a) Men's heavy-weight cotton knitted underwear including union suits, 9 pounds and over per dozen (weight calculated on size 42) and shirts and drawers, 7 pounds and over per dozen (weight calculated on size 42 shirts.)

(b) Men's and boys' wool and part wool winter-weight knitted underwear, including union suits, shirts and drawers.

(c) Men's and boys' winter-weight rib-knitted shirts, shorts and drawers.

(d) Boys' heavy-weight cotton knitted union suits weighing 6 pounds and over per dozen (weight calculated on size 34).

(e) Women's heavy-weight knitted union suits, 6 pounds and over per dozen (weight calculated on size 38).

(f) Women's, misses' and children's heavy-weight knitted vests, pants and bloomers.

(g) Women's, misses' and children's winter-weight wool and part wool knitted underwear.

(h) Women's, misses' and children's winter-weight "snuggy" and "woolie" type knitted underwear.

(i) Children's heavy-weight knitted union suits, waist suits and combination suits, 5 pounds and over per dozen (weight calculated on size 12).

(j) Men's, women's and children's heavy-weight knitted sleeping garments, excluding brushed rayon sleeping garments.

(k) Infants' knitted heavy-weight undergarments.

(l) Fleece-lined knitted sweat shirts.

Meaning of winter-weight and heavy-weight. "Winter-weight" and "heavy-weight" each means that type of knitted underwear garment or knitted sleeping garment which is regularly and customarily produced by manufacturers thereof for use during the fall and winter season, and of which type of garment the manufacturer delivered at least 85% of his 1941 production from June 1, 1941 to December 31, 1941.

Issued this 15th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9140; Filed, September 15, 1942;
5:20 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 17 to Maximum Price Regulation 136, as Amended¹]

MACHINES AND PARTS AND MACHINERY SERVICES

GILFILLAN MACHINE WORKS, INC.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (11) is added to § 1390.25 (c) and new paragraph (q) is added to § 1390.31a as set forth below:

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 5047, 5362, 5685, 5909, 6426, 6682, 6899, 6937, 6964, 6973, 7010, 7246.

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(11) *Gilfillan Machine Works, Inc.* Notwithstanding the provisions of § 1390.5, the maximum price applicable to the sale by Gilfillan Machine Works, Inc., of Ebenezer, New York, of its Type DS No. 816 House Service Gas Regulator, shall be \$8.00; the maximum price applicable to the sale by said Company of any other machine or part for which a list price was in effect on October 1, 1941, shall be the maximum price determined in accordance with the provisions of § 1390.5, except that the 2% ten day cash discount may be eliminated.

§ 1390.31a *Effective dates of amendments.* * * *

(q) Amendment No. 17 (§ 1390.25 (c) (11)) to Maximum Price Regulation No. 136, as amended, shall become effective September 21, 1942.

(Pub. Law No. 421, 77th Cong.)

Issued this 15th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9141; Filed, September 15, 1942;
5:21 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Zoning Order 1 Under Rationing Order 3¹]

SUGAR RATIONING REGULATIONS

ORDER ESTABLISHING ZONES

Pursuant to § 1407.168 the following order is hereby issued:

§ 1407.281 *Establishment of zones—Authorization of certain deliveries, shipments and transfers.* (a) The following zones are hereby established:

Zone 1 shall include the State of Rhode Island; Bristol, Plymouth and Barnstable Counties in the State of Massachusetts; and all points in the State of Massachusetts where the base rate is 9 cents or less.

Zone 2 shall include the State of Connecticut; all points in the State of New York where the base rate is 14 cents or less and all points in the State of New Jersey where the New York City base rate is 12 cents or less.

Zone 3 shall include the State of Delaware; that part of the State of New Jersey not included in Zone 2; and all points in the State of Pennsylvania where the base rate is 14 cents or less.

Zone 4 shall include the State of Maryland, except for Garrett and Allegany Counties; the District of Columbia; Berkeley and Jefferson Counties in the State of West Virginia; and all points in the State of Virginia where the base rate is 19 cents or less.

Zone 5 shall include all points in the States of South Carolina and Georgia where the base rate is 15 cents or less.

Zone 6 shall include the State of North Carolina; those parts of the States of

¹ 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084.

South Carolina and Georgia not included in Zone 5; and that part of the State of Florida which lies east of the Apalachicola River.

Zone 7 shall include the States of Arkansas, Alabama, Louisiana and Mississippi; and that part of the State of Florida which lies west of the Apalachicola River.

Zone 8 shall include all points in the State of Texas where the base rate is 35 cents or less.

Zone 9 shall include all of the continental United States not included in Zones 1 to 8 inclusive.

(b) "Base rate", as used herein, refers to the lowest published refiners' base rate in effect on the date of issuance of this Order.

(c) Sugar may be delivered, shipped or transferred from Zone 9 to any point in Zones 1 or 8.

(d) Zoning Order No. 1 (§ 1407.281) shall become effective September 16, 1942.

(Pub. Law 421, 77th Cong., W. P. B. Dir. No. 1 and Supp. Dir. No. 12)

Issued this 15th day of September 1942.

HAROLD B. ROWE,
Director, Food Rationing Division.

[F. R. Doc. 42-9144; Filed, September 15, 1942;
5:23 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 13 to Rationing Order 3¹]

SUGAR RATIONING REGULATIONS

PRIMARY DISTRIBUTORS, PETITIONS FOR ADJUSTMENT, ETC.

Section 1407.123 is revoked, and new §§ 1407.123 and 1407.168 are added, as set forth below:

Primary Distributors

§ 1407.123 Orders or commitments for future deliveries. (a) No primary distributor shall deliver sugar pursuant to a contract, agreement or commitment, regardless of when made, providing for delivery more than three days after the making thereof, directly or to a carrier for delivery. No primary distributor shall deliver sugar to fill any order, regardless of when received, calling for delivery more than three days after the receipt thereof, directly or to a carrier for delivery.

(b) This section shall not apply to deliveries to the Army or Navy of the United States or to any of the persons or agencies listed in § 1407.183 (b) of Rationing Order No. 3.

Petitions for Adjustment; Appeals; New Business; Miscellaneous

§ 1407.168 Deliveries, transfers or shipments outside a zone. (a) The Di-

¹ 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084.

rector of the Food Rationing Division of the Office of Price Administration may, from time to time, issue orders establishing zones for the purposes of this section.

(b) Except as otherwise authorized by the Director, no person shall deliver, ship or transfer sugar from a zone to a point outside such zone, and no person shall accept such delivery, shipment or transfer.

(c) Paragraph (b) shall not apply to a delivery, shipment or transfer from a wholesale or retail establishment to a point within the established trading area of such establishment, if the person to whom delivery, shipment or transfer is made has customarily received sugar from a wholesaler or retailer.

(d) Unless otherwise specified by the Director, paragraph (b) shall not apply to raw sugar, turbinado sugar, plantation white sugar, high-washed sugar, Louisiana seconds sugar, invert sugar, liquid sugar, or soft sugar in bulk; or to confectioner's, brown, loaf, tablet, and other specialty sugars in one and two pound packages, except fine granulated sugar; or to sugar refined or processed outside the continental United States.

(e) Paragraph (b) shall not apply to deliveries, shipments or transfers by or to the Army or Navy of the United States or by or to any of the persons or agencies specified in § 1407.183 (b) of Rationing Order No. 3.

(f) Paragraph (b) shall not apply to deliveries, shipments or transfers of sugar by or to carriers for the purpose of making deliveries, shipments or transfers thereof exempted from paragraph (b) by paragraph (c), (d) or (e) or by the Director.

Effective Date

§ 1407.222 Effective dates of amendments. * * *

(m) Amendment No. 13 (§§ 1407.123 and 1407.168) shall become effective September 16, 1942.

(Pub. Law 421, 77th Cong., W. P. B. Dir. No. 1 and Supp. Dir. No. 1E)

Issued this 15th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9143; Filed September 15, 1942;
5:24 p. m.]

PART 1413—SOFTWOOD LUMBER PRODUCTS

[Amendment 1 to Maximum Price Regulation 13¹]

DOUGLAS FIR PLYWOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously

¹ 7 F.R. 5567.

herewith and has been filed with the Division of the Federal Register.*

Tables (1), (2), and (5) of paragraph (a) of § 1413.12 are amended, and a new § 1413.11a (a) is added as set forth below.

§ 1413.12 Appendix A: Maximum prices for moisture resistant type Douglas fir plywood in grades and sizes listed in § 1276.1 (b) of Limitation Order L-150:²

(a) * * *

(1) **PLYCORD**

(Douglas fir plywood sheathing)

(i) Maximum prices for plycord in widths of 36" and 48" and in lengths of 96":

	Price per M sq. ft. f. o. b. mill	
Straight carloads	Less than carloads	
5 $\frac{1}{2}$ " 3 ply, rough	\$27.00	\$28.10
5 $\frac{1}{2}$ " 3 ply, rough	32.00	33.45
5 $\frac{1}{2}$ " 3 or 5 ply at mill's option, rough	42.15	44.70
5 $\frac{1}{2}$ " 3 or 5 ply at mill's option, rough	52.25	55.65

(ii) Long standard lengths. For panels in widths of 36" and 48" and in lengths of 9', 10', 11', and 12', the following additional charges may be made:

\$5.25 per M Sq. Ft. for 9' lengths.

\$8.00 per M Sq. Ft. for 10' lengths.

\$13.25 per M Sq. Ft. for 11' lengths.

\$16.00 per M Sq. Ft. for 12' lengths.

(2) **PLYWALL**

(Douglas fir plywood wallboard)

(i) Maximum prices for plywall in widths of 48" and in lengths of 60", 72", 84", and 96":

	Price per M sq. ft. f. o. b. mill	
Straight carloads	Less than carloads	
5 $\frac{1}{2}$ " 3 ply S2S to $\frac{1}{4}$ "	\$30.00	\$31.20
5 $\frac{1}{2}$ " 3 ply S2S to $\frac{3}{8}$ "	40.50	42.90
5 $\frac{1}{2}$ " 5 ply S2S to $\frac{1}{4}$ "	54.50	58.15
$\frac{1}{4}$ " studding strips (per M lineal feet)	5.30	5.30

(ii) Long standard lengths. For panels in widths of 48" and in lengths of 9', 10', 11', and 12', the following additional charges may be made:

\$5.25 per M Sq. Ft. for 9' lengths.

\$8.00 per M Sq. Ft. for 10' lengths.

\$13.25 per M Sq. Ft. for 11' lengths.

\$16.00 per M Sq. Ft. for 12' lengths.

*Copies may be obtained from the Office of Price Administration.

² 7 F.R. 4482.

(5) PLYPANEL—SOUND 1 SIDE

Maximum prices for Plypanel—Sound 1 Side in Widths of 24", 30", 36", and 48" and in lengths of 60", 72", 84", and 96":

	Price per M sq. ft. f. o. b. mill	
	Straight carloads	Less than carloads
3 $\frac{1}{2}$ " 3 ply S2S to 3 $\frac{1}{2}$ " or 3 $\frac{1}{2}$ "— 3 ply S2S to 3 $\frac{1}{2}$ "		
24" width	\$33.15	\$36.35
30" and 36" width	34.15	37.30
48" width	36.00	39.35
3 $\frac{1}{2}$ " 3 ply S2S to 3 $\frac{1}{2}$ "		
24" width	29.65	32.85
30" and 36" width	30.65	33.80
48" width	32.50	35.85
3 $\frac{1}{2}$ " 3 ply S2S to 3 $\frac{1}{2}$ "		
24" width	40.75	44.95
30" and 36" width	41.70	45.95
48" width	43.55	47.95
3 $\frac{1}{2}$ " 5 ply S2S to 3 $\frac{1}{2}$ "		
24" width	56.45	62.05
30" and 36" width	57.35	63.00
48" width	59.20	65.10
1 $\frac{1}{2}$ " 5 ply S2S to 3 $\frac{1}{2}$ "		
24" width	67.45	74.15
30" and 36" width	68.40	75.15
48" width	70.20	77.15
3 $\frac{1}{2}$ " 5 ply S2S to 3 $\frac{1}{2}$ "		
24" width	76.75	84.25
30" and 36" width	77.60	85.20
48" width	79.40	87.25

§ 1413.11a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1413.11a and 1413.12 (a) (1), (2), and (5)) to Maximum Price Regulation No. 13 shall become effective September 21, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 15th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9142; Filed, September 15, 1942;
5:20 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 26 to General Maximum Price Regulation 1¹]

APPLICATIONS FOR ADJUSTMENT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraphs (a) and (c) of § 1499.18 are amended to read as set forth below:

§ 1499.18 *Applications for adjustment.* (a) The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established under this General Maximum Price Regulation for any seller at retail in any case in which such seller shows:

(1) That such maximum price is abnormally low in relation to the maximum prices of the same or similar commodities established for other sellers at retail; and

*Copies may be obtained from the Office of Price Administration.

¹7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093.

(2) That this abnormality subjects him to substantial hardship.

Applications for adjustment under this paragraph (a) shall be filed in accordance with Procedural Regulation No. 2.²

(c) Any person seeking relief, for which no provision is made in the foregoing paragraphs (a) and (b) of this section, from a maximum price established under this General Maximum Price Regulation may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed by sellers at retail in accordance with Procedural Regulation No. 2, and by all other sellers in accordance with Procedural Regulation No. 1,³ and in every case shall set forth the facts relating to the hardship to which such maximum price subjects the applicant together with a statement of the reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of this General Maximum Price Regulation to eliminate the danger of inflation.

This section shall apply to all maximum price regulations which have incorporated § 1499.18 in their provisions.

§ 1499.23a *Effective dates of amendments.*

(aa) Amendment No. 26 (§ 1499.18) to General Maximum Price Regulation shall become effective September 21, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 15th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9147; Filed, September 15, 1942;
5:22 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 2 to Maximum Price Regulation 211¹]

COTTON GINNING SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (a) of § 1499.564 and paragraph (a) (4) of § 1499.565 are amended as set forth below:

§ 1499.564 *Petitions for adjustment and amendment.* (a) A petition for adjustment may be filed in accordance with Appendix A, incorporated herein as § 1499.567 by:

(1) Any ginner who can show that the maximum price for cotton ginning services established for him under the provisions of § 1499.552 (a) is abnormally low in relation to the maximum prices for the same or substantially similar services rendered by ginners in the same competitive area and that this abnormality subjects him to substantial hardship; and

(2) Any ginner who can show that the maximum prices for cotton ginning services established for him and substantially all of the ginners in the same competitive area under the provisions of § 1499.552 (a) are abnormally low in relation to the maximum prices for the same or substantially similar services rendered by substantially all of the ginners in the nearest competitive area and that this abnormality subjects him to substantial hardship.

(2) Any ginner who can show that the maximum prices for cotton ginning services established for him and substantially all of the ginners in the same competitive area under the provisions of § 1499.552 (a) are abnormally low in relation to the maximum prices for the same or substantially similar services rendered by substantially all of the ginners in the nearest competitive area and that this abnormality subjects him to substantial hardship.

§ 1499.565 *Definitions.* (a) When used in this Maximum Price Regulation No. 211 the term:

(4) "Cotton ginning services" means the sale or supplying by a ginner of (i) ginning and bagging and ties and (ii) such services performed incident thereto as baling, wrapping, tying, weighing, stenciling, cleaning, drying, hull extracting and storing.

§ 1499.566a *Effective dates of amendments.*

(b) Amendment No. 2 (§§ 1499.564 and 1499.565) to Maximum Price Regulation No. 211 shall become effective September 15, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 15th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9146; Filed, September 15, 1942;
5:22 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 204—DANGER ZONE REGULATIONS

POTOMAC RIVER

Pursuant to the provisions of Chapter XIX of the Army Act approved July 9, 1918, 40 Stat. 892; 33 U. S. C. 3, the United States Naval Proving Ground, Dahlgren, Virginia, is hereby redefined and § 204.50 (b) containing regulations governing the use and navigation thereof is hereby amended to read as follows:

§ 204.50 *Potomac River.*

(b) *United States Naval Proving Ground, Dahlgren, Va.*—(1) *The danger zones.* The firing range of the United States Naval Proving Ground at Dahlgren, Virginia, involves that portion of the Potomac River below the Maryland-Virginia bridge on U. S. Highway 301 as described herein. This range constitutes a danger area composed of two zones to be known as the Upper and Lower Danger Zones.

(i) *The Upper Danger Zone* in which firing is normally conducted daily except Sunday, is defined as follows, beginning at the intersection of the new Potomac River bridge with the Virginia shore; thence to Lower Cedar Point Light House; thence to white spar Buoy 1-A about 2,300 yards east southeast of lower

¹7 F.R. 6428.

²7 F.R. 6962.

³7 F.R. 971, 3663, 6967.

Cedar Point beacon; thence to a line of white spar buoys known as line of fire buoys, No. 1 Buoy 1,500 yards southwest by west of Swan Point, No. 2 Buoy, 1,700 yards south of Potomac View, No. 3 Buoy, about 1,300 yards south by west of lower end of Cobb Island; thence on a line to nun Buoy No. 4-A abreast of Blakiston Island abandoned light house; thence southwesterly to Hollis Marsh along a line of white spar buoys off the Virginia shore as follows: White spar Buoy D, about 3,000 yards off Popes Creek; thence to white spar Buoy C, 3,500 yards off Church Point; thence to white spar Buoy B, 800 yards off Colonial Beach; thence to white spar Buoy A, 1,000 yards off Bluff Point; thence on a line to the seaplane hangar at the Proving Ground.

(ii) *The Lower Danger Zone* in which long range firing is normally conducted at infrequent intervals embraces the Naval Torpedo Range at Piney Point, Maryland, and subject to special additional restrictions in the vicinity of that activity, is defined as the entire portion of the lower Potomac River between a line from nun Buoy 4-A off Blakiston Island on a line to Hollis Marsh and a line from Point Lookout, Maryland, to Smith Point, Virginia.

(2) *The regulations.* (i) Firing normally takes place between the hours of 9:00 a. m. and 4 p. m. on all days except Saturday and Sunday. During the national emergency, firing will take place between the hours of 7:30 a. m. and 5:00 p. m. daily except Sunday with frequent night firing.

(ii) When firing is in progress, no fishing or oystering vessels will be permitted to operate within the danger zone affected, unless so authorized by the Naval Proving Ground's patrol boats. Oystering and fishing boats or other craft may cross the river in the danger zone only after they have reported to the patrol boats and received instructions as to when and where to cross. Deep draft vessels using dredged channels and propelled by mechanical power at a speed greater than five miles per hour, may proceed directly through the danger zones without restriction except when especially notified to the contrary.

(iii) These regulations shall be enforced by the Inspector of Ordnance in Charge at the United States Naval Proving Ground through such officers, enlisted men and employees of that Station as may be designated, including always the Commanding Officer of the range patrol, using all such Government vessels, planes, and other suitable equipment as may be necessary. These agencies shall fly or expose a square red flag in

clearing a danger zone. (40 Stat. 892; 33 U.S.C. 3) [Regs. Sept. 7, 1942 (CE 7005 (Potomac River)—SPEON)]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-9135; Filed, September 15, 1942;
2:45 p. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 1—GENERAL REGULATIONS AFFECTING THE PUBLIC

MAKING OF PHOTOGRAPHS, SKETCHES, ETC., OF MILITARY OR NAVAL SUBJECTS

NOTE: The text of the regulations governing the making of photographs, sketches, etc., of military or naval subjects appears above under Title 10, Part 4.

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940, (5 F.R. 3591)

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724)

Artificial Flowers and Feathers Learner Regulations, October 24, 1940, (5 F.R. 4203)

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940, (5 F.R. 3748)

Hosiery Learner Regulations, September 4, 1940, (5 F.R. 3530)

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829)

Knitted Wear Learner Regulations, October 10, 1940, (5 F.R. 3982)

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940, (5 F.R. 3392, 3393)

Textile Learner Regulations, May 16, 1941, (6 F.R. 2446)

Woolen Learner Regulations, October 30, 1940, (5 F.R. 4302)

Notice of amended order for the employment of learners in the cigar manufacturing industry, July 20, 1941, (6 F.R. 3753)

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the determination and order or regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective September 17, 1942. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Bristol Frocks, Franklin St., Bristol, Rhode Island; Cotton wash dresses; 10 learners (T); September 17, 1943.

Peter Butera, 283 Glenwood Avenue, Bloomfield, New Jersey; Dresses; 3 learners (T); September 17, 1943.

The Cornblum Pants Mfg. Co., 205 St. Clair Ave. W., Cleveland, Ohio; Trousers; 10 learners (T); September 17, 1943.

Glix Brand Co., Inc., Brown & Kellogg Sts., Pittsfield, Massachusetts; Ladies' pajamas, house coats and dresses; 10 percent (T); September 17, 1943.

Toby Lane, 1111 Washington St., St. Louis, Missouri; Junior dresses; 10 learners (T); September 17, 1943.

Los Angeles Sportswear Co., 834 So. Broadway, Los Angeles, California; Women's blouses, shirts, skirts and slacks; 5 learners (T); September 17, 1943.

Rice-Stix Factory #14, 666 School St., Hillsboro, Illinois; Women's dresses; 25 learners (E) March 17, 1943.

Superior Uniform Cap & Shirt Mfg. Co., 134 East Third St., Los Angeles, California; Uniform caps, uniform shirts; 5 learners (T); September 17, 1943.

Cigar

H. L. Neff & Co., Charles Alley, Red Lion, Pennsylvania; Cigars; 4 learners (T); Cigar machine operators to have learning period of 320 hours at 75 percent of the applicable minimum wage; September 14, 1943. (This certificate effective September 15, 1942).

Glove

Zenith Mfg. Co., 510 First Ave. N., Minneapolis, Minnesota; Mittens; 5 learners (T); September 17, 1942.

Textile

The Dellinger Spread Co., 1943 North Broad St., Rome, Georgia; Bedspreads; 5 percent (T); September 17, 1942.

Woodside Cotton Mills Co., Fountain Inn Plant, Fountain Inn, South Carolina; Cotton yarn; 3 percent (T); September 17, 1942.

Signed at New York, N. Y., this 15th day of September, 1942.

MERLE D. VINCENT,
Authorized Representative of
the Administrator.

[F. R. Doc. 42-9153; Filed, September 16, 1942;
11:17 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6409]

WOKO, INCORPORATED

NOTICE OF OPPORTUNITY FOR HEARING

In re application of WOKO, Incorporated (WOKO), dated June 28, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Albany, New York; operating assignment specified: Frequency 640 kc; power, 5 kw (DA—day and night); hours of operation, unlimited.

You are hereby notified that the Commission on August 18, 1942, denied the petition of the applicant filed pursuant to the memorandum opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of the application would be consistent with the policy announced by the Commission in its memorandum opinion, dated April 27, 1942.

2. To determine whether in view of the foregoing, the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: WOKO, Incorporated, Radio Station WOKO, Radio Center, 8 Elk Street, Albany, New York.

Dated at Washington, D. C., September 14, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-9149; Filed, September 16, 1942;
10:26 a. m.]

[Docket No. 6421]

VOICE OF THE ORANGE EMPIRE, INC., LTD.
(KVOE)

NOTICE OF OPPORTUNITY FOR HEARING

In re application of The Voice of The Orange Empire, Inc., Ltd. (KVOE); dated April 2, 1942, for construction permit; class of service, broadcast; class of station, broadcast; location, Santa Ana, California; operating assignment specified: Frequency, 1480 kc; power, 1 kw; hours of operation, unlimited.

You are hereby notified that the Commission on September 1, 1942, denied the petition of the applicant filed pursuant to the memorandum opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of the application would be consistent with the policy announced by the Commission in its memorandum opinion, dated April 27, 1942.

2. To determine whether in view of the foregoing, the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: The Voice of The Orange Empire, Inc. Ltd., Radio Station K V O E, 307 North Broadway, Santa Ana, California.

Dated at Washington, D. C., September 14, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-9151; Filed, September 16, 1942;
10:26 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 1 Under Revised Price Schedule 29—
By-Product Foundry and By-Product
Blast Furnace Coke—Docket 3029-5]

FORD MOTOR COMPANY

ORDER GRANTING PETITION

On July 3, 1942 Ford Motor Company, 3000 Schaefer Road, Dearborn, Michigan, filed a petition for amendment, adjustment or exception under § 1345.6 of Revised Price Schedule No. 29. This petition has been treated as a petition for adjustment or exception. Due consideration has been given to the petition and an opinion in support of this Order No. 1 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,¹ issued by the Office of Price Administration, it is hereby ordered:

(a) Ford Motor Company may sell, offer to sell, deliver or transfer, by-product blast furnace coke produced at its oven plant, Detroit, Michigan, at a price not to exceed \$7.35 per net ton f. o. b. oven plant. Any person may buy, offer to buy, or accept delivery of such by-product blast furnace coke from Ford Motor Company at the price herein established.

(b) The permission granted to Ford Motor Company in this Order No. 1 is subject to the condition that there be filed each month with the Office of Price Administration itemized and verified statement of coke production costs and profit and loss statement for the previous month; also balance sheet of the Ford Motor Company as of the last day of the previous month.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 1 shall become effective September 16, 1942.

Issued this 15th day of September, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9129; Filed, September 15, 1942;
12:04 p. m.]

[Order 16 Under Maximum Price Regulation
122—Solid Fuels Delivered From Facilities
Other Than Producing Facilities—Dealers—
Docket 3122-220]

PACIFIC COAST COAL COMPANY

ORDER GRANTING PERMISSION FOR ADJUSTABLE PRICING

For the reasons set forth in an opinion which has been issued simultaneously

¹ 7 F.R. 1258, 1836, 2132, 2760, 6385.

² 7 F.R. 971, 3663.

herewith and has been filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,⁷ issued by the Office of Price Administration, *it is hereby ordered:*

(a) On and after August 27, 1942, the Pacific Coast Coal Company may enter into agreements with its customers situated in Alaska who purchase coal for civilian consumption whereby petitioner may sell and such customers may purchase coal at the applicable maximum prices, subject to an agreement to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition thereof. Permission to enter into such agreements with such purchasers prior to August 27, 1942, is hereby denied.

(b) This Order No. 16 may be revoked or amended by the Price Administrator at any time and, in any event, is to be effective only to the date upon which said petition is finally determined by the Price Administrator.

(c) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to the terms used herein.

(d) This Order No. 16 shall become effective September 15, 1942.

Issued this 15th day of September, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9131; Filed, September 15, 1942;
12:04 p. m.]

(d) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 2 shall become effective September 16, 1942.

Issued this 15th day of September, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9130; Filed, September 15, 1942;
12:04 p. m.]

[Order 2 Under Maximum Price Regulation 188—Manufacturers' Maximum Prices For Specified Building Materials and Consumers' Goods Other Than Apparel]

NEVADA-PACIFIC MINERAL COMPANY, INC.

ORDER GRANTING ADJUSTMENT

On June 13, 1942 the Nevada-Pacific Mineral Company, Inc. filed a protest against the provisions of the General Maximum Price Regulation in accordance with Procedural Regulation No. 1.

On August 1, 1942, "Jean Silica Sand", a product manufactured by the petitioner, became subject to Maximum Price Regulation No. 188. The Administrator, pursuant to Rule 33 of Procedural Regulation No. 1, has deemed it advisable to treat the said protest as a petition for an adjustment under Maximum Price Regulation No. 188.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *it is hereby ordered*, That:

(a) The Nevada-Pacific Minerals Company, Inc., 1199 Browning Boulevard, Los Angeles, California, may increase its maximum price for "Jean Silica Sand" from \$3.00 per ton of 2,000 pounds to \$3.50 per ton of 2,000 pounds f. o. b. cars at Sutor, Nevada.

(b) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 2 shall become effective September 16, 1942.

Issued this 15th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9128; Filed, September 15, 1942;
12:04 p. m.]

[Order 1 Under Maximum Price Regulation 169—Beef and Veal Carcasses and Wholesale Cuts]

CERTAIN MEAT PACKING COMPANIES

ORDER DENYING APPLICATIONS FOR
ADJUSTMENT

In the matter of Nebraska Beef Company, Docket Nos. 3169-26, 3169-64; William Davies Company, Inc., Docket Nos. 3169-33, 3169-34; Frye and Company, Docket No. 3169-36; Wilson and Company, Inc., Docket No. 3169-37; Armour and Company of Illinois, Docket Nos. 3169-38, 3169-72; Guggenheim Packing Company, Docket No. 3169-39 (2); The

Cudahy Packing Company, Docket Nos. 3169-42, 3169-56; Earl C. Gibbs, Inc., Docket No. 3169-44; J. H. Allison and Co., Docket Nos. 3169-46, 3169-67; Weil Packing Company, Docket No. 3169-47; Max Rothschild and Sons, Docket No. 3169-48; Morris Rifkin and Son, Docket No. 3169-49; Omaha Packing Company, Docket No. 3169-51; Drummond Packing Company, Docket No. 3169-52; Maurer Packing Company, Docket No. 3169-54; David Levi and Company, Docket Nos. 3169-55, 3169-73; Lincoln Meat Company, Docket No. 3169-57; Armour and Company of Delaware, Docket No. 3169-58; Dugdale Packing Company, Docket No. 3169-59; Meyer Kornblum Packing Company, Docket No. 3169-60; The George Kaiser Packing Company, Docket No. 3169-65; Abraham Brothers Packing Company, Docket No. 3169-69; The E. Kahn's Sons Company, Docket No. 3169-71; Reynolds Packing Company, Docket No. 3169-82; Fred Oppenheimer, Docket No. GF3-1380; Neuhoff, Incorporated, Docket No. GF3-1557, applicants.

On or before August 27, 1942, Nebraska Beef Company, 36th and I Streets, Omaha, Nebraska; William Davies Company, Inc., 4101 South Union Avenue, Chicago, Illinois; Frye and Company, 2203 Airport Way, P. O. Box 3367, Seattle, Washington; Wilson and Company, Inc., 4100 South Ashland Avenue, Chicago, Illinois; Armour and Company of Illinois, 3306 East Cataldo Avenue, Spokane, Washington; Guggenheim Packing Company, 1337 West 37th Street, Chicago, Illinois; The Cudahy Packing Company, 221 North La Salle Street, Chicago, Illinois; Earl C. Gibbs, Inc., 3378 West 65th Street, Cleveland, Ohio; J. H. Allison and Company, Middle Street, Chattanooga, Tennessee; Weil Packing Company, 1700 Oakley Street, Evansville, Indiana; Max Rothschild and Sons, 224 North Peoria Street, Chicago, Illinois; Morris Rifkin and Son, South St. Paul, Minnesota; Omaha Packing Company, Omaha, Nebraska; Drummond Packing Company, Eau Claire, Wisconsin; Maurer Packing Company, 100 Meyers Avenue, Kansas City, Kansas; David Levi and Company, 3900 Emerald Avenue, Chicago, Illinois; Lincoln Meat Company, 3800 South Halsted Street, Chicago, Illinois; Armour and Company of Delaware, Union Stock Yards, Chicago, Illinois; Dugdale Packing Company, 11th and Bell Streets, St. Joseph, Missouri; Meyer Kornblum Packing Company, Kansas City, Kansas; The George Kaiser Packing Company, 81 North First Street, Kansas City, Kansas; Abraham Brothers Packing Company, 1460 Warford Avenue, Memphis, Tennessee; The E. Kahn's Sons Company, 3241 Spring Grove Avenue, Cincinnati, Ohio; Reynolds Packing Company, Fifth Street, Union City, Tennessee; Fred Oppenheimer, 939 Fulton Street, Chicago, Illinois, and Neuhoff, Incorporated, Salem, Virginia, filed separate Applications for Adjustment of Maximum Prices established under Maximum Price Regulation No. 169, Beef and Veal Carcasses and Wholesale Cuts, in accordance with the provisions therefor contained in Procedural Regulation No. 6. The Price Administrator deems it appropriate that the several Applications for Adjustment be dis-

[Order 2 Under Maximum Price Regulation 154 as Amended—Ice—Docket 3154-1]

EVERPURE ICE MFG. CO.

ORDER GRANTING PRICE ADJUSTMENT

Adjustment of the maximum prices for ice manufactured by the Everpure Ice Manufacturing Company, Inc. For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is ordered*:

(a) The Everpure Ice Manufacturing Company, Inc., 599 Andover Street, Lawrence, Massachusetts, may sell and deliver to ice dealers and ice dealers may buy and receive from the Everpure Ice Company, Inc., ice at prices not higher than 55 cents per block of 300 pounds or \$3.67 per ton.

(b) The adjustment granted to the Everpure Ice Manufacturing Company, Inc. in paragraph (a) is subject to the condition that it shall forthwith notify the dealers purchasing ice from it that the Office of Price Administration has by this Order authorized adjustment of its maximum prices as provided in paragraph (a).

(c) All prayers of the petition not granted herein are denied.

⁷ F.R. 3239, 3666, 3856, 3940, 3941, 4653, 5024, 5567, 5835.

⁸ F.R. 971, 3663.

No. 183—4

17 F.R. 4653, 4798, 5222, 5426, 5868.

posed of together. Due consideration has been given to the Applications for Adjustment and to each of them and an Opinion in support of this Order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 6, issued by the office of Price Administration, it is ordered: that (a) the foregoing Applications for Adjustment and each of them be, and they hereby are, denied in whole;

(b) That each Applicant who has received payment for any beef or veal carcass or wholesale cut at the price requested in its application shall refund to the purchaser the difference between such requested price and the maximum price established for the sale of such beef or veal carcass or wholesale cut by Maximum Price Regulation No. 169;

(c) That each Applicant who has slaughtered cattle or calves as a service for the purchaser thereof shall remit to such purchaser an amount sufficient to make the cost of the dressed carcass, or of the wholesale cuts derived therefrom,

less than the costs which would be incurred by the purchaser if he purchased such carcass or cuts from the Applicant at the Applicant's maximum prices therefor.

(d) This Order No. 1 shall become effective September 15, 1942.

Issued this 15th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9145; Filed, September 15, 1942;
5:22 p. m.]

[Administrative Order 28]

RATIONING OF FARM MACHINERY AND EQUIPMENT

AUTHORIZATION OF THE SECRETARY OF AGRICULTURE

Pursuant to the authority conferred upon the Office of Price Administration and the Administrator by Executive Order No. 9125¹ and by War Production Board Directive No. 1² as extended by Supplementary Directive No. 1K³, the following order is prescribed:

¹ 7 F.R. 2719.

² 7 F.R. 562.

(a) The Secretary of Agriculture is hereby authorized and directed to exercise the functions, duties, powers, authority and discretion, including but not limited to the power of subpoena, and the power to issue suspension orders, conferred upon the Office of Price Administration and the Administrator for the purpose of securing the efficient rationing of farm machinery and equipment within the limits of the continental United States.

(b) Any order issued by the Secretary of Agriculture pursuant to this delegation of authority shall have the same force and effect as if issued by the Administrator.

(c) As used herein, the term "farm machinery and equipment" shall have the meaning given it in paragraph (b) of War Production Board Supplementary Directive No. 1K³.

Issued and effective this 15th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9162; Filed, September 16, 1942;
12:34 p. m.]

³ 7 F.R. 7280.